

THE STATEMENT
OF THE
PERMANENT WILD LIFE
PROTECTION FUND



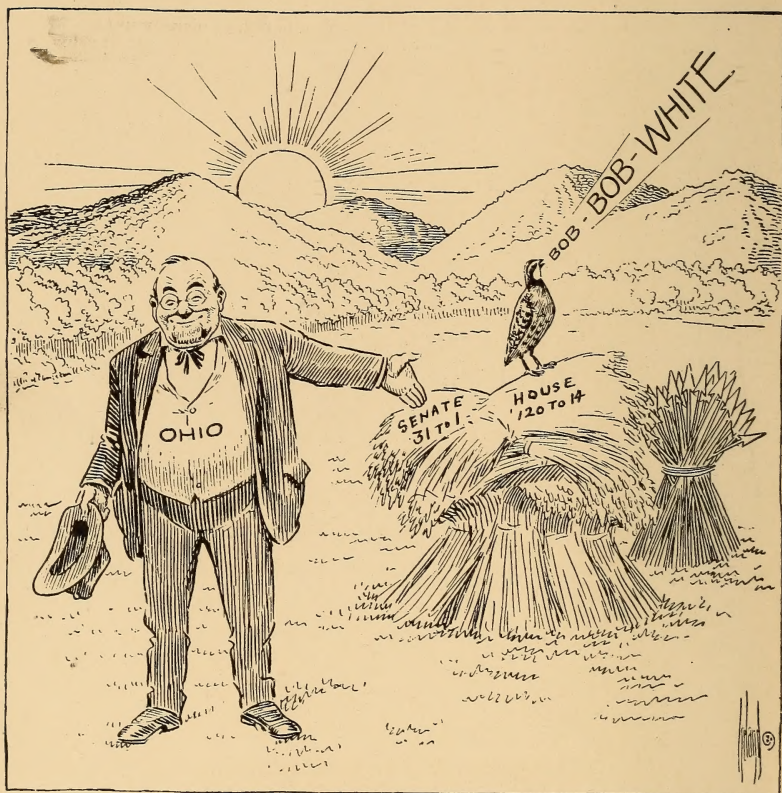


PRESENTED BY THE

TRUSTEES

OF THE

Permanent Wild Life
Protection Fund



HOW CARTOONIST IRELAND ANNOUNCED THE QUAIL VICTORY IN OHIO

A month later it was duplicated in Iowa.

From the Columbus, Ohio, *Dispatch*.

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THE STATEMENT

OF THE

PERMANENT WILD LIFE PROTECTION FUND,

1915-1916

PUBLISHED BIENNIALY

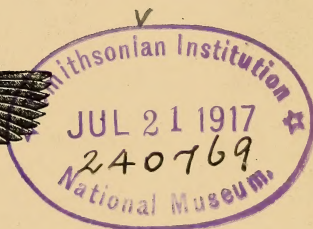
VOLUME II

By

WILLIAM T. HORNADAY, Sc. D.,

Campaigning Trustee

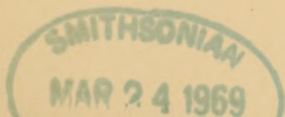
President, U. S. Junior Naval Reserve



NEW YORK

PUBLISHED BY THE FUND

MAY, 1917



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WILLIAM T. HORNADAY, TRUSTEE

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WILD LIFE, FORESTS AND THE WAR

NOTWITHSTANDING the anxieties and the efforts inseparable from a war with a great military power, the other paramount duties of the American people must resolutely be performed. This nation is sufficiently populous and resourceful that we can do this. Even with war upon us, our taxes must be paid, our children must be educated, the general welfare of the people must be promoted, and the resources of nature must be protected from neglect and destruction.

It is imperative that our national heritage of forests and wild life should resolutely be safeguarded, and that our nation's supply of food should be protected and increased.

We are not by any means either unmindful or neglectful of the duties we owe to the nation at this hour. Ever since December, 1914, we have tried to do our full duty, first in arousing this great, sleepy and defenseless nation, and now in the serious business of its actual defense. Up to date we have made our share of sacrifices in both these causes, and we expect to continue them, to the end.

Meanwhile, we repeat, most urgently, that our wild life and forests need not be, and must not be, neglected by those whose bounden duty it is to conserve them.

W. T. H.

President U. S. Junior Naval Reserve.

Vice-President U. S. Army League.

Trustee American Defense Society.

Chairman Zoological Park Defense Committee.

New York Tribune

First to Last—the Truth: News—Editorials—
Advertisements

Member of the Audit Bureau of Circulations

TUESDAY, MARCH 20, 1917

Supreme Court Ousts Utah Power Concerns

Upholds Federal Sovereignty in Development of "Public Land" Resources

Washington, March 19.—Sustaining injunctions ousting Utah hydro-electric power companies from Federal forest reservations, the Supreme Court to-day upheld Federal and limited state sovereignty in developing resources in Western "public land" states.

Regulations of the Agriculture and Interior departments' conservation policy and decrees requiring the Utah power companies to remove their property from the public lands unless they obtain Federal permits were sustained.

The court maintained the power of Congress to regulate all public lands, and denied that its authority was limited to lands actually used for Federal purposes. All government regulations were not specifically upheld, but the court refused to disturb any of them. It also held the government entitled to reasonable compensation from the Utah power concerns for use of lands occupied.

THE LAST WORD REGARDING THE RIGHTS OF THE
NATION IN THE NATIONAL FORESTS

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In Memoriam

Since the creation of this Fund, the following defenders of wild life have crossed over the great divide:

John B. Archbold	-	1848-1916
Samuel Thorne	- -	1835-1915
Robert B. Woodward	-	1840-1915
Richard Harding Davis	-	1864-1916
C. W. Post	- -	1854-1915

*"Yea, saith the Spirit, that they may rest from their labors;
and their works do follow them."*—Revelations, XIV-13.

John D. Archbold, Founder

THE defenders of wild life will perpetually bear in grateful memory their good friend, Mr. John D. Archbold. His ardent love of Nature, and his keen interest in living birds and mammals, prompted his cooperation in the development of the Zoological Park and the Permanent Wild Life Protection Fund. His help always was extended quickly and generously, and with such kind words of approval and encouragement that the recipient cause was both aided and inspired.

Mr. Archbold did far more for the benefit of humanity at large than the public knew, or ever will know. He was particularly gifted in helping at critical moments, when help was most urgently needed. His passing was a great loss to the cause of popular zoology, and the general cause of wild life protection and increase.

But his influence passes not. His legacy of interest in wild life will live and work through many generations of men and women, of boys and girls, who will strive and continue to strive in the defense of the wild creatures who can not defend themselves against their "civilized" enemies.

Samuel Thorne, Founder

THE loss of Samuel Thorne, philanthropist and friend of man, is a loss to humanity, and a great loss to the wild life of the world.

In the great city in which he lived, and wrought, and died, a thousand causes for the succor, the protection and the uplift of humanity constantly stretch out their hands.

Partly through those agencies Mr. Thorne constantly used his time, his influence and his material means for good. His quick eye and unerring judgment taught him to discriminate between the needed and not needed, the necessary and desirable rather than the unnecessary and the not-worth-while.

Hundreds of humanitarian causes felt the stimulating influence of Samuel Thorne's helping hand. There were few good causes which he did not support. In 1897 he became one of the founders of the New York Zoological Society, and to the close of his life he continued to be one of its strongest supporters. For fifteen years he was a member of the Executive Committee.

Beginning in 1906 Mr. Thorne became a constant and liberal supporter of the wild life protection cause; and it is very fitting that through this Fund the name of so good a friend to wild life will be permanently associated with wild life defense.

PART I.—THE FUND

REPORT ON THE PERMANENT FUND

THE completion of the Permanent Fund, at least up to the minimum figure originally fixed upon, has been accomplished in close conformity with our original belief and hope, that it would be possible through a few subscribers and large amounts. There are 30 Founders and 43 Subscribers. The story of the completion of the Fund is set forth on page 12 of the Bulletin section of this volume. We append a complete list of the sums subscribed up to date, all of which save one have been paid in, and now are earning an income of 5 per cent. or more.

In addition to the above, at least one bequest has been written into a will for the benefit of the Fund.

The agencies by which the Fund was completed will be interesting to all friends of wild life. Our previous STATEMENT showed subscriptions to the end of 1914 amounting to \$51,980. By November 17, 1915, the following persons had increased their subscriptions by the amounts shown, plus \$575 added since that date:

SUBSCRIPTIONS INCREASED.

MRS. RUSSELL SAGE, New York	\$15,000
WILLIAM P. CLYDE, New York	4,000
JOHN D. ARCHBOLD, New York	4,000
WILLIAM H. NICHOLS, New York	4,000
GEORGE F. BAKER, New York	4,000
GEORGE D. PRATT, New York	2,000
MISS HELOISE MEYER, Lenox, Mass.	1,000
EDWARD S. HARKNESS, New York	700
FREDERICK F. BREWSTER, New Haven, Ct.	500



HOWARD MELVILLE HANNA

JOHN J. PIERREPONT, Brooklyn, N. Y.	500
MRS. ETHEL R. THAYER, Boston, Mass.	200
HENRY A. EDWARDS, Albany, N. Y.	275
MISS ELIZABETH S. EDWARDS, Albany, N. Y.	100
AUDUBON SOCIETY, Pasadena, Calif.	20
WATSON B. DICKERMAN, Mamaroneck, N. Y. (1917)	500
<hr/>	
	\$36,975

In addition to the above, the following new subscriptions were obtained:

ALEXANDER SMITH COCHRAN, New York	\$5,000
"A DEFENDER OF WILD LIFE," Washington, D. C.	3,000
MRS. WILLIAM H. BLISS, New York	1,000
MRS. R. T. AUCHMUTY, New York	1,000
HOWARD MELVILLE HANNA, Cleveland, Ohio	1,000
EDMUND C. CONVERSE, New York	1,000
"IN MEMORIAM," Boston, Mass.	1,000
"A FRIEND OF WILD LIFE," Berkeley, Cal.	500
JAMES B. FORD, New York	500
CAMP-FIRE CLUB OF MICHIGAN, Detroit	100
J. E. ROTH, Pittsburgh, Pa.	100
DR. W. J. HOLLAND, Pittsburgh, Pa.	100
JOHN H. EAGLE, New York	100
DR. ARTHUR W. ELTING, Albany, N. Y.	100
EVERSLEY CHILDS, New York	100
WILLIAM C. BRADBURY, Denver, Colo.	100
MRS. HARRIET WILLIAMS MEYERS, Los Angeles	50
ALFRED COLLINS, Philadelphia, Pa.	25
ALAINE C. WHITE, Litchfield, Conn.	20
<hr/>	
	\$15,795

For the support that thus has come to us for our work in behalf of wild life, we repeat that we are profoundly grateful. We rejoice that the national scope of our efforts has been recognized in Rochester, Canandaigua, Detroit, Boston, Cleveland, Washington, and even as far away as Berkeley and Los Angeles, California. It appears that Philadelphia, Chicago and certain other large cities are not adequately represented; but the fault is not ours.

We do regret, however, that outside New York City, and the few other cities which are helping to support the work of national organizations having headquarters here, very little money is being raised and expended for the wild life cause. I think that New York is doing at least 80 per cent. of the work that is being done *on national lines* for wild life protection. Two New York national organizations are well provided with funds, one moderately so, and a fourth has a fixed income of about \$1,200 per year. One other excellent national organization in New York is literally starving for the ammunition that is necessary for its work; and if it continues in the field, it must be financed from outside its own membership.

The scarcity of campaign money outside of New York, Boston, Pittsburgh, Minneapolis and two or three other centres, is most deplorable. The naked fact is that the cause of wild life is subsisting only on the crumbs and husks that fall from the million-dollar tables of "art" and transcendent "education." No educational scheme is now too wild or too visionary to command unlimited money for its support.

That the wild life cause, everywhere save in New York, should be struggling along on a starvation basis, is entirely wrong. It is not fair, and it is not sensible. It is enough to discourage all those who are working in the vineyard for conscience sake. At this moment there should be, in every state in this land, a trained and masterful field agent, properly paid and equipped, independent of politicians, unafraid of the game-hogs, and always in evidence for the creation of proper public sentiment, the enforcement of the laws, the enactment of new laws, and the fighting of vicious "repeal" laws.

Most state game commissioners and state game wardens are at the mercy of election returns; and they come and go. None of them dare to antagonize the sportsmen too far, *even in trying to save the sportsmen's own game from extermination!* There are very few states in which there

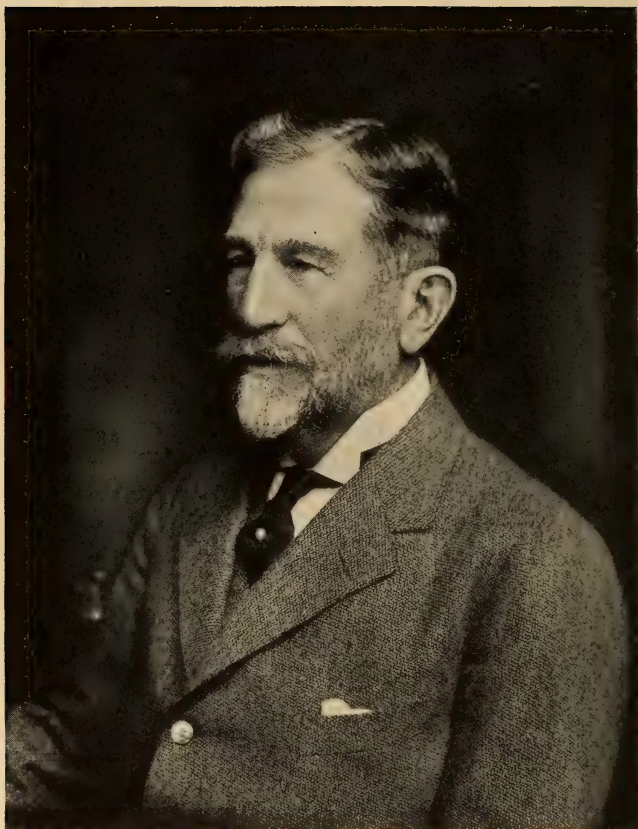
is a really strong group of level-headed fighters for wild life. I found states "out West" in which wild life seemed to have only a dozen champions.

We have written the story of the men and the women who have made the Permanent Fund. Some day we may write also the story of the men and women who refuse to help the cause of wild life conservation; and it will be a story of cities as well as of individuals. In this land of ours there are several big collections of people called "cities" which in spirit are only country villages.

It has been proven over and over that it is only men and women of a broad type who can rise to the height of giving money in large sums,—large according to their means,—to benefit humanity through the perpetuation of elusive and rarely seen wild birds and beasts. The Boys of the Future may well be thankful that at this critical juncture, *when the fate of many wild species is trembling in the balance*, there are men and women who are willing and able to make up a Permanent Wild Life Protection Fund of \$103,000.

I have said that I shall ask no more for wild life funds, and I mean it; but I repeat that *additional campaign money is needed, and can be used to excellent advantage!* Our income of \$5,000 per year is *a very small sum for the field work that we desire each year to do!* But for that opportune gift from Washington of \$2,000 (the income of \$40,000!), our long western trip in 1915 for the game sanctuary cause could not have been made.

Present conditions that tend toward wild life destruction are so powerful, and so ruthlessly swift in action, we must secure results by short cuts and wholesale methods. We dare not wait to educate the masses into higher principles. That process is just now too slow. We must get results by widely sweeping measures.



WATSON B. DICKERMAN

FOUNDERS AND SUBSCRIBERS TO THE PERMANENT WILD LIFE PROTECTION FUND

COMPLETE TO APRIL 1, 1917.

FOUNDERS.

MRS. RUSSELL SAGE, New York	\$25,000
GEORGE EASTMAN, Rochester, N. Y.	6,000
MRS. FREDERICK FERRIS THOMPSON, Canandaigua, N. Y.	5,000
HENRY FORD, Detroit, Mich.	5,000
WILLIAM P. CLYDE, New York	5,000
*JOHN D. ARCHBOLD, New York	5,000
ALEXANDER SMITH COCHRAN, New York	5,000
WILLIAM H. NICHOLS, New York	5,000
ANDREW CARNEGIE, New York	5,000
GEORGE F. BAKER, New York	5,000
GEORGE D. PRATT, New York	3,000
DEFENDER OF WILD LIFE, Washington, D. C.	3,000
MISS HELOISE MEYER, Lenox, Mass.	2,000
EDWARD S. HARKNESS New York	1,200
MAX C. FLEISCHMANN, Cincinnati, Ohio	1,000
MRS. J. S. KENNEDY, New York	1,000
EMERSON MCMILLIN, New York	1,000
FREDERICK G. BOURNE, New York	1,000
MORTIMER L. SCHIFF, New York	1,000
*SAMUEL THORNE, New York	1,000
ANTHONY R. KUSER, Bernardsville, N. J.	1,000
JOHN DRYDEN KUSER, Bernardsville, N. J.	1,000
FREDERIC C. WALCOTT, New York	1,000
FREDERICK F. BREWSTER, New Haven, Conn.	1,000
MRS. WILLIAM H. BLISS, New York	1,000
MRS. R. T. AUCHMUTY, New York	1,000
HOWARD MELVILLE HANNA, Cleveland, Ohio	1,000
EDMUND C. CONVERSE, New York	1,000
"IN MEMORIAM," Boston, Mass.	1,000
WATSON B. DICKERMAN, Mamaroneck, N. Y.	1,000

*Deceased

SUBSCRIBERS.

JOHN J. PIERREPONT, Brooklyn, N. Y.	\$750
CLEVELAND H. DODGE, New York	500
JAMES SPEYER, New York	500
JAMES B. FORD, New York	500
FRIEND OF WILD LIFE, Berkeley, Cal.	500
HENRY A. EDWARDS, Albany, N. Y.	475
MRS. ETHEL R. THAYER, Boston, Mass.	400
MISS ELIZABETH S. EDWARDS, Albany, N. Y.	300
HOMER E. SARGENT, Chicago, Ill.	300
*ROBERT B. WOODWARD, Brooklyn, N. Y.	250
CHARLES A. DEAN, Boston, Mass.	200
WILLIAM T. HORNADAY, New York	200
JOHN M. PHILLIPS, Pittsburgh, Pa.	100
JOHN C. PHILLIPS, Wenham, Mass.	100
*C. W. POST, Battle Creek, Mich.	100
COLEMAN RANDOLPH, Morristown, N. J.	100
A. BARTON HEPBURN, New York	100
ZENAS CRANE, Dalton, Mass.	100
Z. MARSHALL CRANE, Dalton, Mass.	100
MISS EMILY TREVOR, Yonkers, N. Y.	100
NORMAN JAMES, Baltimore, Md.	100
FRANLIN Q. BROWN, New York	100
HENRY W. SHOEMAKER, New York	100
GUSTAVUS D. POPE, Detroit, Mich.	100
ARTHUR B. LEACH, New York	100
JOHN MARKLE, New York	100
CAMP-FIRE CLUB OF MICHIGAN, Detroit	100
J. ERNEST ROTH, Pittsburgh, Pa.	100
W. J. HOLLAND, Pittsburgh, Pa.	100
ARTHUR W. ELTING, Albany, N. Y.	100
JOHN H. EAGLE, New York	100
EVERSLEY CHILDS, New York	100
WILLIAM C. BRADBURY, Denver, Colo.	100
MRS. HARRIET WILLIAMS MEYERS, Los Angeles, Cal.	50
ALEXANDER V. FRASER, New York	50
AUDUBON SOCIETIES of Pasadena and Los Angeles, Cal.	30
WILLIAM E. COFFIN, New York	25
CHARLES WILLIS WARD, Eureka, Cal.	25
DR. EMILY G. HUNT, Pasadena, Cal.	25
J. WILLIAM GREENWOOD, Brooklyn, N. Y.	25
ALFRED COLLINS, Philadelphia, Pa.	25

*Deceased

SECOND BIENNIAL STATEMENT

23

*RICHARD HARDING DAVIS, Mt. Kisco, N. Y.	20
ALAIINE C. WHITE, Litchfield, Conn.	20
Total	\$103,470

*Deceased

SPECIAL SUBSCRIPTIONS TO CURRENT EXPENSE FUND.

To April 1, 1917.

A Defender of Wild Life, Washington, D. C., for the game sanctuary cause	\$2,000
Miss Heloise Meyer, Lenox, Mass., for the defense of the federal bird law appropriation, and the treaty	500
Jacob H. Schiff, New York	100
Mrs. Annie B. McConnell, Westerly, R. I.	5
Colvin Farley, Brooklyn, N. Y.	5
Mrs. John A. Crane, Philadelphia, Pa.	1
	\$2,611

FORM OF BEQUEST TO THIS FUND.

I hereby give and bequeath to the Permanent Wild Life Protection Fund of New York, founded by William T. Hornaday, Clark Williams and A. Barton Hepburn, as Trustees, and payable to them or their successors, the sum of Ten Thousand Dollars.

TRUSTEES' REPORT

Permanent Wild Life Protection Fund

As of December 31, 1916.

Principal Account

RECEIPTS.

From Subscriptions to Fund	\$99,820.03	
Less Exchange on Checks35	
	<hr/>	\$99,819.68

DISBURSEMENTS.

Investments:

\$10,000 Texas Company Debenture 6% Bonds	\$10,141.25	
\$10,000 New York & Westchester Lighting Company 4% Bonds	8,075.00	
\$11,000 American Telephone & Telegraph Collateral Trust 4% Bonds	9,831.25	
\$11,000 Interborough Rapid Transit First and Refunding 5% Bonds	10,820.00	
\$15,350 The Morris Plan Company of New York 5% Certificates	15,350.00	
\$10,000 New York Central Railroad Debenture 6% Bonds	10,160.00	
\$10,000 Dominion of Canada 5% Notes	10,018.75	
\$10,000 Anglo-French External Loan 5%	9,475.00	
\$15,000 Remington Typewriter Company 6% First Mortgage Conv.	14,925.00	98,796.25
Balance in Cash, in Columbia Trust Company		<hr/> <hr/> 1,023.43

INCOME ACCOUNT

To December 31, 1916

RECEIPTS.

Income from Investments	\$ 7,540.20	
Donations for Current Expenses	2,600.00	
Interest on Balance	320.69	
	<hr/>	\$10,460.89

DISBURSEMENTS.

Transferred to W. T. Hornaday, Drawing Account	\$10,240.28	
Accrued Interest on Investments	194.99	10,435.27
	<hr/>	
Balance, December 31, 1916		<u>25.62</u>

W. T. HORNADAY DRAWING ACCOUNT

To December 31, 1916.

RECEIPTS.

Transferred from Income Account.....	\$10,240.28	
Donations for Current Expenses	106.00	
Interest on Balance	68.28	\$10,414.56
	<hr/>	

DISBURSEMENTS.

Expenditures	\$10,292.22	
Accrued Interest on Investments	2.22	10,294.44
	<hr/>	
Balance, December 31, 1916		<u>120.12</u>

CAMPAIGNING TRUSTEE'S STATEMENT OF INCOME ACCOUNT PERMANENT WILD LIFE PROTECTION FUND

January 5, 1915, to December 31, 1916.

RECEIPTS.

Balance in Columbia Trust Company, January 4, 1915	\$ 885.22
Income from Permanent Fund	5,922.50
<i>Interest on Deposit Account:</i>	

W. T. Hornaday Drawing	\$ 64.97	
Income Account	220.61	285.58

Special Cash Subscriptions for Current Expenses,
as follows:

Defender of Wild Life, Washington,		
D. C.	2,000.00	
Miss Heloise Meyer	500.00	
Jacob H. Schiff	100.00	
Mrs. Annie B. McConnell, Westerly, R. I.	5.00	
Mrs. John A. Crane, Philadelphia	1.00	2,606.00

\$9,699.30

EXPENDITURES.

Traveling and Subsistence	\$ 971.26	
Miscellaneous Printing	462.35	
Postage in General	666.02	
Telegrams	178.72	
Slides, Photographs and Drawings	108.10	
Campaign Books and Printed Matter for Distribution	120.50	
Periodicals	24.00	
Press Clippings	10.38	
Engraving	88.54	
Stationary, All Purposes	276.10	
Multigraph Letters	57.95	
Lecture Expenses, Western Campaign for Game Preserves	328.03	
Express Charges	28.84	
Incidentals	53.25	
Services, Miscellaneous	320.02	
Insurance	45.00	
Taxicabs	7.15	
Field Agents' Services	615.00	
Field Agents' Expenses	957.51	
Bulletins and "Statement"	2,692.05	
Exhibits for Educational Purposes	25.30	
Subscriptions to Organization Work	1,150.00	
Medals	172.50	
	<hr/>	
	\$9,358.57	
Accrued Interest on Investments	194.99	\$9,553.56
Balance in Columbia Trust Company, December 31, 1916		<hr/>
		\$145.74

CAMPAIGNING TRUSTEE'S STATEMENT OF EXPENDITURES BY CAUSES

January 1, 1915, to December 31, 1916.

General Campaign	\$ 836.52
New York State Campaign	226.85
Oklahoma Campaign (special)	10.95
Feather Millinery	4.80
Game Preserves in National Forests	3,255.89
Defense of Migratory Bird Law and Treaty	1,538.14
Mountain Sheep Campaign (special)	78.29
Biennial "Statement" of the P. W. L. P. F. (1913-14)	646.25
Quest for Funds to Complete Endowment	39.42
Maryland Campaign	49.53
California Campaign (special)	2.31
South Carolina Campaign	2.75
Virginia Campaign	100.00
New Mexico Campaign (special)	516.75
Idaho Campaign (special)	16.75
National Educators Conservation Society	550.00
Grouse, Quail, Deer and Sheep Campaigns, in 18 States	1,338.12
Texas Campaign (special)	145.25
Accrued Interest	194.99
	<hr/>
	\$9,553.56
Balance	145.74
	<hr/>
	<u>\$9,699.30</u>

REPORT OF THE AUDITOR OF THE PERMANENT WILD LIFE PROTECTION FUND

In explanation of the statements submitted herewith pertaining to the accounts of the Permanent Wild Life Protection Fund, I desire to state as follows:

In addition to the Principal Account, two other accounts are maintained at the Columbia Trust Company, designated Income Account and W. T. Hornaday Drawing Account. The condensed statements of the three accounts appearing above cover the period from their inception to December 31, 1916, and show balances on the latter date as follows:

Principal Account	\$1,023.43
Income Account	25.62
W. T. Hornaday Drawing Account	120.12

The statement showing receipts and expenditures of income (under the title "Campaigning Trustee's Statement of Income Account, Permanent Wild Life Protection Fund"), gives the detail of receipts and expenditures from January 5, 1915 (the date of the last previous statement), to December 31, 1916, and is a consolidation of the Income Account and the W. T. Hornaday Drawing Account. Expenditures shown in this statement are supported by proper vouchers in practically all cases.

Respectfully submitted,

H. A. STINGLEY,
Auditor.

May 12, 1917.

AUDITOR'S REPORT ON SUBSCRIPTIONS, AND RECEIPTS THEREFROM.

Total subscriptions reported by Dr. Hornaday	\$103,495.03
Less subscriptions unpaid	\$3,100.00
Less subscriptions paid in 1917	575.00
	3,675.00
Total paid	<u>\$99,820.03</u>



GOLD MEDAL OF THE PERMANENT
WILD LIFE PROTECTION FUND

Full size.

BIENNIAL SUMMARY OF OUR CAMPAIGNS AND THEIR RESULTS

IN ATTEMPTING to compile a summary of the past two years of our activities in wild life protection work, we find a satisfactory proportion of practical results. Considering all things, the cause of the birds has fared remarkably well. The interests of the mammals have not fared so well, and unless some important new victories are won for them in the near future, certain species are doomed, in many localities, to go down and out.

The trend of education and of public sympathy has ranged still farther toward strong and effective wild life protection. Never before has the public mind been so sympathetic and so responsive toward wild life conservation as now; but because of our inability to reach them effectively, the masses are ignorant and apathetic. Meanwhile, the forces of destruction are as wide awake and determined as ever.

The record of Congress yet remains perfect. Not one wild life protection cause has been voted down!

Several states that recently have been in the benighted class have seriously started in to reform, and in a few others, like Utah, Nevada, Idaho, Montana, Iowa, New Mexico and Washington, sweeping changes for the better have been wrought.

It is to be noted with profound regret that the automobile, as a new and deadly factor in the destruction of wild life, has come to stay, everywhere. Because of it, many species of non-migratory game birds are much nearer to local extermination than they were even two years ago. The report of Miss Belle Williams on the "Decrease of Birds in South Carolina" is an object lesson so clear and convincing that

even in the Carolinas it should cause an awakening. It is reproduced in full at the end of this volume.

Our own activities have been devoted to the causes that most urgently needed treatment by us, and which offered good prospects of practical results. Had we had more funds at our command, we could have covered more ground, enlisted more fighting men, and secured more results.

Briefly summarized, during the years 1915 and 1916, the chief activities of the Permanent Wild Life Protection Fund have been exerted in the following causes:

OUR SPECIAL CAUSES.

JANUARY 1, 1915, TO APRIL 1, 1917.

This summary has been prepared in order that the Founders and Subscribers of the Permanent Fund may have a compact yet definite statement of the causes in which their money has been expended, the causes initiated by us, and the results secured up to April 1, 1917. It includes our own campaigns, and also those in which we assisted other workers.

Permanent Fund.—Completion of the subscriptions to the Permanent Fund, up to \$103,000.

Mountain Sheep.—Campaigns in 1915 and 1916, to secure long close seasons for the mountain sheep of Montana, Idaho, Wyoming, Washington and Texas.

Game Sanctuaries.—The initiation of the national campaign for game refuges in national forests, as now represented by the Chamberlain-Hayden bills in Congress.

Migratory Bird Law and Treaty.—Initiation of the defense in Congress and throughout the country of the federal migratory bird law against the Missourians; and the promotion of the treaty with Canada was sought at the same time.

The Buck Law.—The initiation of contests in two sessions of the New York legislature (1916-17) to prevent the repeal of the law protecting female deer (the "buck law").

Upland Game Birds.—Inauguration of campaigns in the legislatures of 19 states west of the Mississippi (omitting Missouri and Arkansas), to secure 6-year close seasons for the sage grouse, all other grouse, "prairie chicken" and quail remaining in those states.

National Educators.—Systematic effort, through five lectures at Yale University, and a new National Educators Conservation Society, to arouse the interest of American educators in conservation work, for the protection and increase of wild life and forests.

Missionary Work in Texas.—A special effort to bring about sweeping reforms in Texas, covering sage grouse, quail, deer, mountain sheep, antelope, and slaughter guns.

New Laws for Maryland.—By prominent citizens of Maryland we were asked, in the winter of 1914-15, to aid a movement in that state to secure a new code of game laws, and place wild life on a basis of adequate protection.

New Laws for Virginia.—From Virginia came, in 1916, a call for financial help; and the Permanent Fund subscribed \$100 to aid "the farmers' union game bill."

Under separate headings, the following pages will contain extended statements of our work in certain states, for various causes, and the results in those states.

OUR CAMPAIGN DOCUMENTS

Bulletins Issued:

- Bulletin No. 1.—Our Campaign for Game Sanctuaries, completing the Permanent Fund, etc., pp. 1-22.
- Bulletin No. 2.—Game Sanctuaries in National Forests, pp. 23-124.
- Bulletin No. 3.—Bill to Kill Breeding Female Deer in N. Y., pp. 125-132.
- Bulletin No. 4.—Missouri Campaign to Destroy the Federal Migratory Bird Law, pp. 133-172.
- Bulletin No. 5.—Save the Sage Grouse from Extinction, pp. 173-220.

Campaign Circulars Issued:

1915.

- Feb. 1—Save the Remnant of Mountain Sheep.
- July 30—Oklahoma As Seen by a Sportsman Conservationist.

1916.

- May 10—The Real Meaning of the Chamberlain-Hayden Game Sanctuary Bill.
- May 31—Governor Whitman's Veto Prevents State Disgrace.
- July 28—The Latest News of Our Measures.
- Aug. 14—Save the Game Sanctuary Bill. ("C. Q. D.")
- Aug. 14—Text of the Game Sanctuary Bill Before Congress, etc.
- Sept. 12—Our Game Sanctuary Bill in Congress.
- Dec. 15—Poster No. 1. What Is the Matter With Texas?

1917.

- Jan. 5—Save the Remnant of Mountain Sheep in Wyoming and Washington.
- Jan. 24—Argument of Hon. William L. Simpson, Cody, Wyo., on the Protection of Mountain Sheep and Sage Grouse in Wyoming.
- Feb. 5—The Texas Legislature Confronted by a Serious Crisis.
- Feb. 23—The Wyoming Legislature at the Bar of Public Opinion.
- Feb. 28—Are the Female Deer of New York Doomed to Slaughter?
- April 1—Joint Circular in Support of Bill to License Cats in New York State.

RESULTS OF OUR CAMPAIGNS, AND THE CAMPAIGNS OF OTHERS ASSISTED BY US.

FROM JAN. 1, 1915, TO APRIL 1, 1917

Mountain Sheep.

In 1915 Montana enacted a 3-year close season law on mountain sheep and goats. Result secured by JOHN G. BROWN, of Helena.

In 1915 Idaho enacted a long close season on mountain sheep. Do not know who should be thanked for it!

In 1917 Texas enacted a **25-year** close season on mountain sheep and antelope. Due to the efforts of Representative CHARLES B. METCALFE, of San Angelo, and H. P. ATTWATER, of Houston.

In 1917, Washington created, on Bauerman's Ridge, Okanogan County, a 22,000-acre game sanctuary especially for mountain sheep. Initiative taken by THOMAS P. MACKENZIE, U. S. Asst. District Forester.

The Game Sanctuary Bills.

Twelve governors pledged themselves to support this cause.

The best people of 11 western states pledged their support.

Many large organizations pledged their support.

Bills in Congress died on the calendars, near to passage.

Enough support assured, in the Senate and the House, to pass our bill—if a vote can be taken!

The 1916-17 Appropriation for the Migratory Bird Law, and Ratification of Treaty.

A hard fight in the Senate, for \$50,000, won by a vote of 52 to 8. Campaign made in cooperation with E. H. FORBUSH, the MASSACHUSETTS AUDUBON SOCIETY, NEW MEXICO GAME PROTECTIVE ASSOCIATION and others. See our Bulletin No. 4, pp. 133-172.

Victory for the "Buck Law" in New York, by veto.

Campaign made in co-operation with the NATIONAL EDUCATORS CONSERVATION SOCIETY, the NEW YORK STATE LEAGUE, the CAMP-FIRE CLUB OF AMERICA, and other organizations too numerous to mention here. By political methods the repeal bill was carried through both houses of the legislature, but vetoed by GOV. CHARLES S. WHITMAN.

International Migratory Bird Treaty with Canada.

Treaty fully ratified Dec. 7, 1916. Initiative taken by Senators ELIHU ROOT and GEO. P. McLEAN. Many organizations participated in the advocacy of this measure, and the credit that accrued must be divided by long division. (See Bulletin No. 4.)

Founding of the National Educators Conservation Society.

Undertaken through our initiative and support, and very satisfactorily accomplished (1916) through the excellent work of NOMER GRAY, PROF. CHARLES L. BRISTOL, PROF. JAMES W. TOUMEY, DR. HUGH P. BAKER and others.

Maryland. In 1915 the campaigning trustee visited Baltimore and made three addresses, under excellent auspices. No result was attained that year.

In 1916 the campaign started in 1915 was renewed, and into it entered very actively M. LLEWELLYN RANEY (Librarian, Johns Hopkins), TALBOT DENMEAD and J. HAMMOND BROWN. After a prolonged effort they effected a great reform in Maryland, and secured the following new laws:

Absolute close season on deer, doves, swan, wood duck, curlew, willet, upland plover, small shore birds, all song and insectivorous birds.

Shooting wild fowl from power boats prohibited, save on Susquehanna Flats. Night shooting prohibited.

In Virginia the campaign made for the "farmers' union game bill" was entirely successful. It was described (in Virginia) as "a long step in advance, and unquestionably the strongest conservation measure passed in Virginia in years."

A salaried State Game Commissioner, as an elective officer, was provided for. A force of paid game wardens was authorized, and practically all state protective officers were made ex-officio deputy game wardens. A game breeder's license was provided for; also a "game protection fund." Finally, local or special laws were repealed.

Utah achieved (1917) a sweeping victory! It was the most complete and effective achieved for its wild life by any state in 1917.

All upland game birds, — grouse, ptarmigan and quail — were given long close seasons.

All shore-birds, gulls and doves are perpetually protected.

The credit for this sweeping reformation is to be divided between CLAUDE T. BARNES, J. H. PAUL, the LEGISLATURE, the STATE GAME COMMISSION and the Permanent Fund. In Utah too much credit is bestowed upon this Fund. The initiative was partly ours, but not the execution.

Idaho also scored (1917) an important victory! The sage-grouse feature of it is due wholly to the splendid efforts of DREW W. STANDROD, JR., LEROY C. JONES, State Game Warden, the LEGISLATURE, and DR. CHARLES S. MOODY, a member of the Legislature.

Sage grouse get a closed season until Aug. 15, 1922.

Quail get a closed season until Nov. 1, 1920.

Regulations of federal migratory bird law made state law.

Limit on buck deer reduced from 2 to 1.

Limit on elk reduced from 2 to 1.

Aliens carrying guns must have licenses, of \$7.50 for a shotgun, and \$25 for a rifle.

All big game killed must be tagged.

Nevada (1917) has quietly but determinedly surpassed all expectations from without, and scored a great victory for herself. Her new code of game and fish laws makes it "unlawful" to "injure or destroy any grouse or mountain quail before the first day of September, 1922."

Thus do sage grouse, dusky grouse, sharp-tailed grouse, "prairie chickens" and mountain quail, each get five years of rest.

Mountain sheep, goat, elk and antelope are absolutely protected at all times until 1930!

The sale of game, of all kinds, is prohibited.

The new state laws protecting migratory birds are made to conform with the federal regulations, whatever they may be.

Beyond awakening Nevada by our Bulletin No. 5 (grouse and quail), and Bulletins 2 and 4, we did no real campaign work in that state.

Montana came within a very narrow margin (1917) of achieving a victory for wild life as sweeping as that of Idaho; but it was a glorious victory, just the same. What it lacked of perfection was a buck law, and full protection for the upland game birds instead of a two weeks' open season.

Protection of mountain sheep and goats was extended to 1922.

The bag limit on deer was reduced to one, the hunting season was shortened to two weeks, and all deer shooting was stopped in the five great counties of Yellowstone, Rosebud, Custer, Richland and Dawson.

Bear may no longer be chased with dogs.

Upland game birds are protected throughout the state, and throughout the year, except in the last two weeks of September.

Open season on wild fowl reduced six weeks, or from Sept. 15 to Dec. 1.

Game Warden candidates must undergo a civil service examination by the State Game and Fish Commission.

Killing elk for teeth and heads alone is made a felony instead of a misdemeanor.

Is the above not a record of which to be proud? All that we asked of Montana this year was better treatment of upland game birds and deer, and an extension of the closed season on mountain sheep.

In Iowa a great victory was won (1917) by the hardest fight that occurred in any state in 1917. The defenders of wild life were encouraged to make a fight to save the quail and prairie chicken from oblivion. The campaign outside the legislature was ably led by JOHN C. HARTMAN, of Waterloo, owner and editor of the "Waterloo Courier," PROF. T. C. STEPHENS of Morningside College, Sioux City, PROF. G. B. MACDONALD of the Iowa State College, Ames, and DR. B. H. BAILEY of Coe College, Cedar Rapids, backed throughout by this Fund, and a host of Iowa men. After a long and hot fight, 5-year close seasons were won for the prairie chicken and quail, in spite of bitter opposition by State Game Warden Hinshaw!!

In Oklahoma a great reform was accomplished, almost wholly by efforts within the state. The following species of birds were given five-year close seasons: Prairie chicken, wild turkey, pheasant, wood-duck, curlew, crane, pelican, gull and heron.

Deer, anelope, otter and beaver also were each accorded five years of protection. Bear receive five-year close seasons in the counties of Comanche, Caddo, Kiowa, Major and Blaine.

All insectivorous birds receive the same protection that is accorded by the federal migratory bird law. The open season on quail was cut down to the month of December only, with a bag limit of 15 birds per day.

Provision was made for the purchase, by the state, with a fund of \$94,197, of four state game sanctuaries.

The importation, sale and possession of wild birds plumage is forbidden.

All civil officers of the state are charged with the duty of diligently enforcing the laws for the protection of game and fish.

New Mexico has experienced a great awakening, and is fairly seething with the reform spirit. In no other state of my acquaintance are the sportsmen and stockmen so thoroughly aroused, and so determined to save their game on a rational basis. The initiative of the reform movement came from the U. S. Forest Service, acting chiefly through ALDO LEOPOLD, a very vital force in the movement. Nine game protective associations have been formed.

Sage grouse, bob white quail, sheep and antelope are protected for long periods. The state game and fish department is, and has been, excellently managed, and the public sympathy that was lacking down to October, 1915, is now mobilized! The U. S. Forest Service has exercised a powerful influence in behalf of wild life.

In Arizona, a "buck law" has been enacted, the bag reduced to 1 deer per year, and the deer season has been reduced to 30 days. The wildfowl season has been made to conform to the federal bird law, and the limit on quail has been reduced to 20 birds in a day. Four game protective associations have been formed. Divide the credit for the above by long division, beginning with G. M. WILLARD, State Game Warden, and ALDO LEOPOLD.

Arizona has no sage grouse; and her mountain sheep and antelope already are protected. The legislature created four new state game refuges. One is in the Apache National Forest, one is in the Pinal Nat. Forest near Globe, one in the Huachuacas, and the fourth takes in the entire Graham range. The Arizona Sportsmen's Association opposed the whole act prepared by the State Game Warden, but was badly beaten at the polls.

In Ohio—wherein our active participation (1917) was slight—the *Columbus Evening Dispatch*, MR. IRELAND, its cartoonist, and the legislature itself won an astounding victory over the organized sportsmen of the state, and put the quail in the class of protected songbirds! Even yet the League of Ohio Sportsmen does not quite know what struck it; but we are sure that it was the great cartoons of Mr. Ireland in the *Dispatch*!

In New York (1917) as we go to press, we believe that the Kasson bill before the legislature, to kill female deer and gray-coated fawns one year out of every five, will be soundly beaten in the Senate, even if it passes the Assembly, as in all probability it will. Senator Robinson's bill to license cats has passed the Senate, 28 to 15, but may be defeated in the Assembly by ridicule and frivolous amendments. If beaten this year, it will succeed next year.

In Missouri (1916), through the joint efforts of E. H. FORBUSH, THE AUDUBON SOCIETY OF MASSACHUSETTS, MISS HELOISE MEYER and the Permanent Fund, the field work of DR. GEO. W. FIELD placed Missouri and Kansas permanently in the "Breeding Zone" of the migratory birds, thereby knocking the last prop from under the Missouri advocates of spring shooting.

Washington—By a narrow margin this state escapes a place in the section headed "No Results of Real Importance." The saving clauses lie in the elevation of Bauerman Ridge, of 22,000 acres in Okanogan County, into a mountain sheep sanctuary, and in the section which gives the State Game Commission the power to close hunting seasons for upland game in localities wherein the birds are not increasing, or are threatened with extinction. In New York that power in the hands of the previous Conservation Commission was a dead letter, because the Commission flatly refused to exercise it! Will it turn out that way in Washington?

Upland game birds were given a small sop of pseudo-protection by starting the killing season on August 1 instead of July 15. Both dates are outrageous. The bag limit on deer is reduced from 3 to 1, but the season opens August 1.

Mr. L. H. Darwin, State Game Warden, says that "we believe our game laws are now the best of any state in the Union" and "our fight will be to maintain them as they are."

There is nothing like being easily pleased!

We repeat: that with more funds at our disposal we could have achieved more results. Our cash balance on January 1, 1917, was \$120!

NO RESULTS OF GREAT IMPORTANCE

UNDER this head we are compelled to class nearly all the shortening of close seasons and reductions of bag limits that have been enacted in the western states enumerated below. We have again and again pointed out, with tiresome iteration, the hard fact that petty juggling with the details of killing game that is subject to slaughter by any man who can raise \$1.00 for a hunting license never yet saved a vanishing species, and *never will*.

For the upland game birds of the states named below, the heath hen died in vain.

At this moment all species of upland game birds west of the Mississippi River need a 6-year close season—if they are to be saved from extinction, and put on a *continuing basis*. If the men of today cannot be made to realize this fact, Posterity will find it out; but *too late*!

STATES THAT FAILED US.

In Minnesota, in spite of our personal appeals, the advice of the leading newspapers and the State Game Protective League, the legislature refused to give pinnated grouse even three years of real protection. The ruffed grouse was given protection until 1920. There was various juggling of close seasons and bag limits, but for the saving of species from extinction they are of no value. It is too bad that Minnesota was so unwilling to do something worth while!

North Dakota.—Deer were given a close season until 1920. No other changes worthy of mention were made. The remnant of pinnated grouse will be merrily slaughtered, until the species is exterminated in that state.

South Dakota.—The State Game and Fish Commission may, if it chooses (and no one objects!), establish state bird refuges, and provide close seasons *therein*. The law is wholly subject to the will of the Commission. Bag limit on quail and two species of grouse, 15 birds per day! Open season, one month. Law very hard on all upland game birds, and extinction of species may be regarded as absolutely certain to occur.

Nebraska.—No results up to March 26, when Mr. George G. Koster, Chief Deputy Game Warden, said: "I can give you no definite information about changes in our game laws, as they have not yet been passed upon, and there may be no changes made." A bad outlook for upland game birds.

Kansas.—No change made, save to open the season on quail, the validity of which is to be determined by a court decision.

In Colorado.—A total failure! We made a strong effort, with good support, to bring about five years of protection for the sage grouse, as well as all other upland game birds, but nothing of real value was done by the legislature. The killing seasons on upland game birds, and the bag limits, both were reduced—with good intentions but feeble initiative and execution! The killing of deer was resumed, under certain limitations.

We deeply regret the failure to save the sage grouse of this state from the extermination that threatens them.

Wyoming.—In real game preservation on a continuing basis, Wyoming is today the most backward state in the West or Southwest, except Texas. In spite of strong personal efforts, and the excellent work of WILLIAM L. SIMPSON, of Cody, the enemies of wild life were quite successful in blocking all good measures. Not one thing was done by the legislature of 1917 for the benefit of the game of Wyoming. On the other hand, the state took a great step backward by reopening to elk hunters the eastern half of Wyoming's boasted Teton Game Preserve.

Sage grouse and mountain sheep will be killed as usual; and the prong-horned antelope very narrowly escaped the open season law that was proposed by the State Game Warden, Nate P. Wilson.

Texas.—Although Texas has given a 25-year close season to its very small remnants of mountain sheep and antelope, nothing else was done for the benefit of wild life. No one can predict what may be done at the extra session to convene April 15. It is stated by a member of the legislature that "the 7,000 powder and shotgun sellers were able to prevent us from getting a game protection bill through." All upland game birds are to be shot as usual, not even the quail being protected.

California.—Thus far the California legislature has passed none of the very numerous bird bills now before that body; but 17 game sanctuaries are proposed by the State Game Commission.

Oregon has disappointed us. Nothing whatever was done (worthy of mention) for sage grouse, or any other upland game birds.

The bag limit on deer was reduced from 3 to 2, and the season runs **two months** (Aug. 15 to Oct. 15).

MEDALS FOR DISTINGUISHED SERVICES TO WILD LIFE

AWARDED BY THE TRUSTEES OF THE PERMANENT WILD LIFE
PROTECTION FUND.

TO
MRS. RUSSELL SAGE
of New York City.

Offered as a token of appreciation of the fact that for ten years Mrs. Sage has exerted a powerful influence for the protection and increase of the birds of America, and the wild life of the continent at large. That influence has produced numerous practical results in bird and game sanctuaries, in better laws, and in the educating of the American people to a better appreciation of the value of wild life.

TO
ALDO LEOPOLD
U. S. Forest Service, Albuquerque, New Mexico.

Awarded for awakening New Mexico and Arizona to a realizing sense of the dangers to the wild life of those states, and for being largely instrumental in forming in those states thirteen new organizations of sportsmen for the protection and increase of wild life, pledged to activities in that cause. He has taken an active and helpful part in national campaigns, particularly in aid of the national game sanctuary plan, and in the defense of the federal migratory bird law and the treaty with Canada.

TO
DR. T. C. STEPHENS
Morningside College, Sioux City, Iowa.

Awarded for services in the campaign that was successfully waged in 1917 to save and bring back to Iowa the quail

and pinnated grouse, and at the same time to redeem the good name of the state. While valuable services were rendered by other distinguished citizens of Iowa, this award is due Dr. Stephens in recognition of the efforts and personal sacrifices made by him, and the quality of leadership that he displayed.

TO

DREW W. STANDROD, JR.

Attorney at Law, Pocatello, Idaho.

Awarded for having saved the sage grouse of Idaho, by initiating and pressing to a successful issue a bill which in 1917 was enacted into a law providing a long close season for the species named. Mr. Standrod's fine example, coupled with his accomplishment in this campaign, fairly demands the recognition that this medal is intended to convey.

HONORABLE MENTIONS

AWARDED BY THE TRUSTEES FOR VALUABLE SERVICES TO
WILD LIFE.

HON. CHARLES S. WHITMAN
Governor of New York.

Honorable Mention for courageously vetoing the Kasson bill in 1916, designed to reopen the killing of female deer in the State of New York. Regardless of consequences to himself, that action was taken without hesitation, in support of the highest ethics of big-game hunting, and by it the good name of the state of New York was saved from dishonor.

STANLEY CLISBY ARTHUR
Ornithologist of the Louisiana State Conservation Commission.

Honorable Mention for his services to Louisiana in helping to secure, in 1916, the enactment of new laws for the better protection of Louisiana birds.

CLAUDE T. BARNES
Attorney, Salt Lake City, Utah.

Honorable Mention for the services rendered by him in the campaigns which culminated in the great victory for wild life in Utah, in 1917, and also for his championship of the game sanctuary cause.

MISS BELLE WILLIAMS
Secretary South Carolina Audubon Society, Columbia, S. C.

Honorable Mention for her investigations and "Report on the Decrease of Birds in South Carolina," an object lesson of great value to every southern state, and to many others, also.

JOHN C. HARTMAN

Editor of the Waterloo *Evening Courier*, Waterloo, Iowa.

Honorable Mention because of his long-continued and effective services to the cause of bird protection in Iowa, and particularly in recognition of the effective part taken by him in the contest of 1917, to save the quail and pinnated grouse of Iowa from further destruction.

PROF. GEORGE B. MACDONALD

Iowa State College, Ames, Iowa.

Honorable Mention for active service throughout the successful campaign in Iowa for the saving of the pinnated grouse and quail, exerted through a campaign of education and appeal, and continued throughout the critical stages of the contest.

JOHN G. BROWN

Attorney at Law, Helena, Montana.

Honorable Mention because, through his efforts in 1915, the mountain sheep and goats of Montana were given long close seasons.

HON. CHARLES B. METCALFE

San Angelo, Texas.

Honorable Mention in recognition of the great efforts put forth by him, in the face of fierce opposition, in the Texas legislature of 1917, for adequate reforms in the treatment of Texas game. Although up to April 1, no important successes were attained, success was fairly deserved by the efforts that were put forth.

GEORGE HEWITT MYERS

Washington, D. C.

Honorable Mention for years of devotion and sacrifice to the cause of wild life and forest protection, and for the practical results that have been achieved through him in the form of new laws, new preserves and the educating of the public.

MISS HELOISE MEYER

Lenox, Massachusetts.

Honorable Mention for her active services to the cause of bird protection, and for the results that have been achieved through her initiative and instrumentality, by the educating of the public, the defense of existing laws and the enactment of new laws.

HON. GEORGE W. P. HUNT

Past Governor of Arizona.

Honorable Mention because of his constant championship of the interests of wild life, and particularly for his generous support of the game sanctuary cause in the early stages of the campaign.

MRS. HARRIET WILLIAMS MEYERS

President of the Audubon Society of Southern California,
Los Angeles, California.

Honorable Mention for her long-continued work in bird protection, and in the promotion of the game sanctuary cause in southern California.

MRS. GALEN A. FOX

Cheyenne, Wyoming.

Honorable Mention in recognition of her successful efforts in securing wide-spread support throughout Wyoming for the game sanctuary cause.

MRS. H. E. RICKSECKER

Chairman of the Committee on Birds and Wild Life of the Federation of Women's Clubs of San Diego County, California.

Honorable Mention in recognition of her valuable services in southern California to the game sanctuary cause.

WILLIAM L. SIMPSON

Attorney, Cody, Wyoming.

Honorable Mention for his vigorous campaign to secure the preservation of the sage grouse and mountain sheep of

Wyoming. His efforts earned and deserved complete success, and failed of their reward only through the indifference of the legislature.

M. LLEWELLYN RANEY

Johns Hopkins University, Baltimore.

Honorable Mention for his vigorous and successful efforts in the Maryland legislature of 1916, to secure a series of new laws for the better protection of the birds and deer of Maryland.

WILLIAM A. IRELAND

Of the Columbus, Ohio, *Dispatch*.

Honorable Mention for his services to the birds of Ohio, partly by means of campaign cartoons designed to educate the people of Ohio into promoting the permanent protection of the quail through an act of the legislature of 1917.

PART II—CAMPAIGN FOR GAME SANCTUARIES

THE CAMPAIGN IN THE WEST FOR GAME SANCTUARIES IN NATIONAL FORESTS

DURING the whole of 1915-16 our greatest concentration of effort has been upon the cause having for its object the enactment of a new federal law, whereby an almost unlimited number of game sanctuaries can be created by quick and satisfactory methods. This cause seemed so large and important as to dwarf all others.

At the very threshold of this movement, we realized that the task to be performed was a most serious one. No really great measure for the conservation of wild life, of far-reaching importance, ever goes far in its course without encountering in turn apathy, inertia, and finally opposition.

Previous to this effort four bills had been introduced in Congress for the making of game preserves in national forests. The first was that of Representative John F. Lacey, in January, 1902, and the last was that of Senator Perkins, introduced in May, 1902. All these bills failed to make progress; and for the same reasons. They were too brief and incomplete; not one of them took into account the grazing and agricultural interests, none of them provided for State concurrence, and none of them was pushed with vigor and persistence.

But all those previous efforts had lapsed. For two years nothing had been brought before Congress on this subject, and in January, 1915, the field was wide open to anyone who chose to enter it.

All previous bills had clothed the Secretary of Agriculture and the President with unlimited powers, but *they had*

completely ignored the existence of the grazing industries and agriculture, and made no attempt to provide for the legitimate wants of either! Now, in view of the very great importance of those industries, the presence in both Senate and House of numerous "cattle and sheep men," and the very great influence of the cattle men and sheep men in Congress, it seems strange that this powerful force was not recognized and provided for in the Perkins' bill, and in all others.

The sheep and cattle men are, and long have been, strong enough to defeat decisively any and all measures of game conservation which they regard as unfair or injurious to them. We dreaded both their prejudices and their power; but very soon we found that, like most other Americans, all they ask is reasonable consideration and a square deal. To-day in New Mexico we witness the novel spectacle of the sheep and cattle men's associations squarely on record in favor of having the whole of a certain national forest made into a game sanctuary instead of the half of it only, as originally proposed by the New Mexico Sportsmen's Association!

The way both in Congress and out of Congress being entirely clear and open, in the winter of 1915 the Campaigning Trustee of the Permanent Fund decided to put forth an effort to evolve a workable plan for the making of game sanctuaries in national forests and at least attempt to carry it into effect. The prize to be won was so great, and so far-reaching in its effect, that any sacrifice that might have to be made for it would be justified.

It was resolved to formulate a business-like, just and reasonable plan, in support of which all the friends of wild life could unite. After preliminary conferences with Chief Forester HENRY S. GRAVES, and Forest Supervisor SMITH RILEY, of Denver, a plan embodying ten propositions was drawn up by the Campaigning Trustee. On March 4, 1915, in Washington, that plan was submitted to a conference consisting of Chief Forester HENRY S. GRAVES; ALBERT F. POTTER, Associate Forester (in charge of Grazing); W. C.

BARNES, Superintendent of Grazing; R. W. WILLIAMS, Assistant Solicitor of the Department of Agriculture; HENRY W. HENSHAW, Chief of the Biological Survey; E. W. NELSON, Assistant Chief of the Biological Survey, and GEORGE HEWITT MYERS.

Criticisms and suggestions for improvements were also invited from DR. T. S. PALMER. Nearly all the suggestions made were adopted. Assistant Solicitor Williams offered the opinion that the plan would prove to be constitutional, and that its enactment lay fully within the powers of Congress. The plan was also submitted to CHARLES STEWART DAVISON, MADISON GRANT and MARSHALL MCLEAN, of New York, all of whom approved it. The leading features of the original plan stood practically unchanged, and the final draft went before the West without the slightest alteration.

A careful survey of the field resulted in the following decisions:

1. That the question of the desirability of game sanctuaries in national forests is one on which the people west of the Great Plains should be heard first.

2. That if a majority of the western states decide that they do not desire them, the whole matter should be dropped.

3. That the only way to ascertain the views and wishes of the people of the West lay in going to them, and meeting them face to face.

4. That on account of many disquieting reports, full advantage should be taken of every opportunity to investigate the alarming conditions surrounding the upland game birds (grouse, ptarmigan and quail), and the deer, of the states west of the Great Plains.

The Campaigning Trustee decided to make a tour that would embrace the capitols or principal cities of the eleven national forest states of the West, and deliver his message from the platform, through the press and through the co-operation of interested wild life conservationists. The co-operation sought and generously extended is set forth in Bulletin No. 1 of this volume.

THE WESTERN CAMPAIGN TOUR

IT BEING evident that a campaign on such a scale as this would involve considerable expenditures beyond the funds then available in the Income Account of the Permanent Fund, a DEFENDER OF WILD LIFE in Washington, who insists upon remaining unknown, generously subscribed \$2,000 toward the expenses of the game sanctuary campaign. A number of newspaper articles were prepared and printed in slip form, and an extensive series of photographs, to illustrate wild life slaughter and protection, were made ready for distribution to newspapers. About 10,000 mailing cards bearing the "Plan" and a blank form for a written pledge of support, were printed for distribution in bulk in connection with the lectures.

Finally we made ready a collection of colored lantern slides, illustrating the following subjects:

How Wild Life is being Exterminated
from Texas to Alaska.

Species that have been Exterminated.

How Wild Life Responds to Protection.

National Parks.

The National Forests of the West, and
Remarkable Wild Life in a Big Game
Sanctuary.

During the weeks of effort spent in making engagements and securing co-operation from wild life conservationists, U. S. Forester HENRY S. GRAVES, ALBERT F. POTTER, Associate Forester, and many western officers of the Forest Service rendered *most effective and valuable service*. In fact, *everything* that could be done by the Forest Service

to promote the success of the work undertaken, promptly and cheerfully *was* done.

The tour began on August 25, 1915, and lectures were given in the following places:

Minnesota.....	Minneapolis.....	August 27th
Colorado.....	Denver.....	September 1st
Wyoming.....	Cheyenne.....	" 3rd
Utah.....	Salt Lake City.....	" 6th
Idaho.....	Pocatello.....	" 7th
Montana.....	Helena.....	" 9th
Washington.....	Seattle.....	" 11th
Oregon.....	Portland.....	" 13th
California.....	San Francisco.....	" 16th
".....	Berkeley.....	" 16th
".....	Los Angeles.....	" 22nd
".....	Pasadena.....	" 24th
Arizona.....	Tucson.....	" 30th
".....	Phoenix.....	October 9th
New Mexico.....	Albuquerque.....	" 13th

The press literature of the campaign, and the written pledges of support received from the people of the West, are set forth in full in Bulletin No. 2, published especially for the information of Congress. It will be found in the Bulletin Section of this volume, pages 26-123.

OUR SUPPORTERS.

So far as we are aware, no wild life measure ever went before Congress with such a mighty array of endorsements and written pledges of support as the Chamberlain-Hayden bills. The only western endorsements lacking were those of the governors of Utah, Idaho and California. In the East the sponsors of the bill included all the national organizations for the protection of game, and many others.

From Wyoming there was sent to Congress a petition signed by 646 persons, due to the efforts of MRS. GALEN A. FOX, of Cheyenne.

From San Diego, California, there was sent to Congress a great petition signed by hundreds of citizens of San Diego

and southern California, due to the zeal and tireless industry of MRS. H. E. RICKSECKER, Chairman of the Conservation Committee of the San Diego County Federation of Woman's Clubs.

From Pocatello, Idaho, there went to Congress a petition signed by 183 persons, due to the efforts of MRS. DREW W. STANDROD, SR., and MRS. A. M. NEWTON.

It is no exaggeration to say that the names of the endorsers appearing in Bulletin No. 2, represent many of the leading men and women of the West, both in official and private life.

Of all the resolutions and petitions that were adopted by organizations in support of the Chamberlain-Hayden bill for game refuges, one of the most important was that adopted by the Executive Board of the New Mexico Cattle and Horse-Growers' Association on July 7th, at a meeting held at Albuquerque, New Mexico. The full text of the resolution and request to Congress is as follows:

"Whereas, The wild game of New Mexico, constituting one of the state's valuable resources, is growing scarcer each year and is now threatened with virtual extermination, and

"Whereas, The sensible handling of these game resources demands the immediate establishment of an adequate system of federal game refuges on the National Forests, and

"Whereas, Such a system is provided for in the Chamberlain-Hayden Game Refuge Bill now before Congress, and

"Whereas, We have examined this bill and find that it in no way interferes with the livestock industry, or the extermination of predatory animals,

"Therefore Be It Resolved, That this Association heartily endorses it, and urgently requests our Congressman, the Honorable H. C. HERNANDEZ, and our Senators, the Honorable T. B. CATRON and the Honorable A. B. FALL, to do all in their power to get it favorably reported out of committee and passed at this session of Congress."

SUPPORT OF THE CHAMBERLAIN-HAYDEN BILL

(Declared by letter, by formal resolution, or by printed articles before any amendments were made to the Chamberlain and Hayden bills.)

EX-PRESIDENT OF UNITED STATES
COL. THEODORE ROOSEVELT

GOVERNORS

GEO. W. P. HUNT, Arizona	GEORGE W. HAYES, Arkansas
W. C. McDONALD, New Mexico	FRANK M. BYRNE, South Dakota
JOHN B. KENDRICK, Wyoming	S. V. STEWART, Montana
GEORGE A. CARLSON, Colorado	EMMET D. BOYLE, Nevada
JAMES WITHEYCOMBE, Oregon	THOMAS C. RYE, Tennessee
ERNEST LISTER, Washington	W. S. HAMMOND, Minn. (deceased)

STATE GAME COMMISSIONERS AND STATE GAME WARDENS

COL. JOHN H. WALLACE, JR., Montgomery, Ala.	A. A. RICHARDSON, Chief Game Warden, Columbia, S. C.
EDWARD G. BRADFORD, JR., Dover, Delaware	M. D. HART, State Game Warden, Richmond, Va.
CHARLES S. ARNOW, Atlanta, Ga.	G. M. WILLARD, State Game Warden, Phoenix, Ariz.
WALTER B. FRASER, Denver, Colo.	TRINIDAD C. DEBACA, Game and Fish Warden, Santa Fe, N. M.
Z. A. BRANTLEY, Jackson, Miss.	NATE P. WILSON, State Game Warden, Lander, Wyo.
E. P. MATHEWSON, Anaconda, Mont.	W. D. HOUSER, State Warden, Nashville, Tenn.
GEORGE D. PRATT, Albany, N. Y.	
JOHN M. PHILLIPS, Pittsburgh, Pa.	
J. QUINCY WARD, Executive Agt., Frankfort, Ky.	

NATIONAL ORGANIZATIONS FOR THE PROTECTION AND INCREASE OF WILD LIFE, AND OTHERS.

National Conservation Congress	The Camp-Fire Club of America
The New York Zoological Society	American Bison Society
The Boone and Crockett Club	Lewis and Clark Club
Permanent Wild Life Protection Fund	National Education Conservation Society
The American Game Protective and Propagation Association	The American Humane Association
	Benevolent and Protective Order of Elks

STATE UNIVERSITIES

(By their Presidents and some Professors)

University of Arizona	University of Washington
University of New Mexico	University of California
Colorado Agricultural College	Student Body of University of New Mexico
University of Wyoming	Utah Agricultural College

NEWSPAPERS AND MAGAZINES

<i>The Outlook</i>	<i>Nashville Banner</i>
<i>The Sportsman's Review</i>	<i>Nashville Tennessean</i>
<i>Outdoor Life</i>	<i>Ephraim (Utah) Enterprise</i>
<i>In the Open</i>	<i>Provo Herald</i>
<i>The National Sportsman</i>	<i>Seattle Times</i>
<i>Los Angeles Record</i>	<i>Cheyenne State Leader</i>
<i>Santa Cruz Surf</i>	<i>Cheyenne Tribune</i>
<i>Colorado Springs Telegraph</i>	<i>Phoenix Arizona Republican</i>
<i>Colorado Springs Gazette</i>	<i>San Francisco Call</i>
<i>Minneapolis Journal</i>	<i>San Francisco Bulletin</i>
<i>Minneapolis Daily News</i>	<i>Pocatello Daily Chronicle</i>
<i>Duluth Herald</i>	<i>Albuquerque Herald</i>
<i>Helena Daily Missoulian</i>	<i>Salt Lake City Tribune</i>
<i>Portland Oregonian</i>	<i>Salt Lake City Herald Republican</i>

STATE ORGANIZATIONS AND OTHERS

New York State Fish, Game and Forest League	Apache County Cattle Growers
The Wild Life League of Pennsylvania	Apache County Sheep Association
Blair County (Pa.) Game, Fish and Forestry Association	New Mexico Cattle & Horse Growers' Assn.
Wyoming State Federation of Women's Clubs	Southern Forestry Congress
The Colorado Audubon Society	Utah Audubon Society
Eastern Washington Association of Game Commissioners	Whitestown (N. Y.) Sportsmen's Association
San Diego County Federation of Women's Clubs	Rio Grande Gun Club
California Wild Life Defenders	Colorado Mountains Club
California Institute of Public Health and Sanitation	Wolf Creek Rod and Gun Club
Minnesota Game Protective League	Sheridan Sportsmen's Assn.
New Mexico Game Protective Assn.	Rod and Gun Club, Moro, Ore.
Albuquerque Game Protective Assn.	The Tuna Club, Calif.
Santa Fe Game Protective Assn.	Sportsmen's Assn. of Southwestern New Mexico
Carlsbad Game Protective Assn.	Commercial Club, Alamogordo
Magdalena Game Protective and Sportsmen's Assn.	Sheridan (Wyo.) Commercial Club
Sacramento Mountain Game Protective Assn.	Citizens' League of Utah
Roswell Game Protective Assn.	Alta Club, Salt Lake City
Taos Game and Fish Protective Assn.	California Federation of Women's Clubs
New Mexico Woolgrowers Assn.	California Botanical Society
	Southern California Academy of Sciences
	Cloudercroft Business Men's Assn.
	Taos Commercial Club
	Tucson Luncheon Club

CHAMBERS OF COMMERCE AND BOARDS OF TRADE

Silver City (N. M.) Chamber of Commerce	Albuquerque (N. M.) Chamber of Commerce
Phoenix (Ariz.) Chamber of Com.	Flagstaff (Ariz.) Chamber of Com.
Alamogordo (N. M.) Chamber of Commerce	Santa Fe (N. M.) Chamber of Com.
	Carlsbad (N. M.) Chamber of Com.
Tucson (Ariz.) Chamber of Com.	

STORY OF OUR GAME SANCTUARY BILLS IN CONGRESS

NONE of the sponsors of the Permanent Wild Life Protection Fund's measure for the creation of about one hundred game sanctuaries in national forests ever supposed that a measure of that magnitude could or would be enacted by Congress into a federal law without a series of adventures. A small measure, that affects very few persons or interests, often floats through both houses on a wave of "unanimous consent," but a measure affecting twenty-seven states is certain to arouse some opposition. With the game sanctuary bill, the only thing we need fear is *filibustering to prevent a vote!*

Our bill was quite ready on December 1, 1915, but outside influences that desired to be placated held up its introduction throughout the whole of December.

January 5, 1916.—Senator GEORGE E. CHAMBERLAIN, Democrat, of Oregon, and Senate champion of the prohibitory federal plumage clause in the tariff bill, introduced our bill in the United States Senate as S. 3044. It was referred to the Committee on Forest Reservations and the Protection of Game. That Committee promptly referred the bill to the Secretary of Agriculture, and asked for a report. A copy of the original bill appears on page 29 of the Bulletin Section of this volume, in Bulletin No. 2.

January 4, 1916.—On the previous day the same bill was introduced in the House by Representative CARL HAYDEN, Democrat, of Arizona, as H. R. No. 6881. It was referred to the Committee on Agriculture; and that Committee also referred it to the Secretary of Agriculture, for a report.

March 4, 1916.—Having received from the Secretary of Agriculture a favorable opinion on the Chamberlain bill, and without the formality of a hearing, the Senate Committee reported the bill favorably to the Senate, in the following words:

"The Committee on Forest Reservations and the Protection of Game, to whom was referred the bill (S. 4418) to establish game sanctuaries in national forests, and for other purposes, having considered the same, report thereon with a recommendation that it do pass with the following amendments:

On page 2, line 4, after the word "uses" strike out the words "of the national forests" and insert the word "thereof"; on page 2, line 6, after the word "applicable" strike out the word "thereto" and insert the words "to the national forests.

"The main purpose of the bill is to provide sanctuaries or refuges in portions of the national forests not chiefly suitable for agriculture wherein game animals may find breeding places safe from molestation.

"The Committee submits the communications from the Secretary of Agriculture recommending the passage of this bill."

The amendments proposed provided for the alteration of about half a dozen unimportant words, but because of them the bill was reprinted, and then called No. 4418. The bill was placed on the Senate calendar as No. 237.

January 8, 1916—We sent to each member of Congress, both Senate and House, a copy of our Bulletin No. 2, an illustrated pamphlet of 124 pages, entitled "Game Sanctuaries in National Forests," and "Published especially for the information of Congress." It set forth in detail the whole subject, and also published, by states, the names and addresses of persons, personages, organizations, institutions and newspapers who in writing had pledged their support of this cause. See Bulletin Section, page 25.

THE HAYDEN BILL IN THE HOUSE.

January 8—When the Hayden bill reached the Secretary of Agriculture, that officer referred it to his law department; and therein the unfortunate bill was put upon the operating table, chloroformed, and operated upon over every square inch of its devoted surface.

Eventually, one or two of the proposed alterations were accepted. The Secretary of Agriculture rendered a report to the House, but for some inscrutable reason it was impossible to induce the House Committee on Agriculture to do anything with that bill until late in May, when a special sub-committee was appointed to consider the bill, and report to the full Committee. The bill was reintroduced, and reprinted, and renumbered as H. R. 11712.

June 1—The sub-committee, consisting of Hon. H. M. Jacoway (Ark.), Chairman; Hon. John V. Leshner, Hon. M. K. Reilly, Hon. James C. McLaughlin and Hon. W. W. Wilson, held its first hearing on the Hayden bill. There appeared at the hearing, in support of the bill, Mr. H. S. Graves, Chief Forester, Mr. E. W. Nelson, Asst. Chief Biological Survey, and W. T. Hornaday. Against the bill appeared Representative Mondell, of Wyoming, who opposed the bill as an invasion of the rights of the state of Wyoming.

June 17—Another hearing was held, at which Mr. Mondell again appeared in opposition, and read into the record a long typewritten attack. Mr. Mondell admitted that he had "never received a communication from a citizen of my state asking me to oppose the bill, but I have received a number of communications asking me to support it,"—among which there was one pledge of support *signed by 646 citizens of Wyoming*.

The bill was supported by W. T. Hornaday, R. W. Williams, Assistant to the Solicitor of the Dept. of Agriculture, and W. C. Barnes, Assistant Forester, in the order named. The proceedings of that hearing have been published by Congress, under the title of "Hearings before the Sub-Committee of the Committee on Agriculture, H. R. 64th Congress, first session, on H. R. 11712." A copy is bound into this volume near the end of the Bulletin section, as a permanent record.

July 21—At a session of the Sub-Committee held on this date, Col. John H. Wallace, Jr., State Game Commissioner

of Alabama, appeared, made a strong argument in favor of the bill, and filed a brief.

September 5—The House Committee on Agriculture, on the recommendation of its sub-committee, reported the Hayden bill to the House with an amendment striking out the words "with the approval of the governors of the states," etc., and inserting in place thereof the words "with the approval of the respective states by a joint resolution of the legislatures thereof." (Report No. 1189.) The bill then took a new number, H. R. 17381, and on September 8th, it was placed on the "Calendar for unanimous consent," as No. 363, in charge of Mr. Reilly.

That amendment seemed to us unnecessary, and also very detrimental to the working of the act, by reason of the enormous difficulty involved in ever securing any complete legislation, on any subject, from any state legislature. While there was no reason to dread hostile action on the part of a legislature to a given program, the endless rigmarole involved in securing favorable action during a short legislative session *will, if adhered to, practically kill the whole plan!*

We filed with each member of the House of Representatives a letter of argument and appeal against the amendment. We took the ground that if a state governor cannot be depended upon to protect the interests of his state from whatever baneful effects might accrue from making sanctuaries for the increase of big game, then the states should adopt a commission form of government at once. The idea of a state being *unwilling* to trust its *governor* in matters of that kind surely will be regarded by most citizens as a distinct novelty.

The full text of the letter, sent by me on January 8, to all members of the House of Representatives, except Mr. Mondell, is as follows:

TO ALL MEMBERS OF THE HOUSE OF REPRESENTATIVES:
Gentlemen:—

There is a possibility that the Hayden game sanctuary bill

(17381) may be brought up, debated and voted upon next Wednesday, January 10. I beg you to make note of the possibility, which I greatly fear is the last chance that the game sanctuary bill will have in the House during this session!

I very much wish you could persuade Chairman Lever and the other members of the House Committee on Agriculture to permit the bill to be amended by making state approval subject to the action of the governors of each state concerned rather than the legislature. This is a **highly important matter**,—far more so than it appears on its face.

I have no objection to state legislatures, except on the ground that they convene only once in two years; that their members are elected for one term only, and that when they do convene, they are so terribly hurried that they can give, and do give, mighty little time to the consideration of wild life protection measures. With the best intentions on the part of members, it requires a Herculean effort, pushed by some one on the ground, to work the machinery necessary to put through even the simplest and least offensive game protection measure.

I have entire confidence in the good-will of the legislators of the western states, generally, PROVIDED there is someone who can spend two months on the ground doing the routine work that is necessary to put a bill through! That work cannot be done for the game sanctuary cause at long range; and there is no one on the spot who is going to give the time, effort and expense necessary to do the work that would absolutely be required to achieve success!

For these reasons I would regard any game sanctuary movement which depends for its success upon joint resolutions adopted by state legislatures as shorn of fully three-fourths of the power and effectiveness that it would have if state concurrence and veto power were vested in the various governors. Remember that the average legislator is elected for ONE term; he takes office knowing nothing about practical wild life protection, and requiring a very considerable amount of educating. By the time he is educated and able to act intelligently, the session is over.

The governor, being one man, can be educated with a reasonable amount of effort. He can hold hearings to determine the will of the people, and he can represent the people at the finish more intelligently than his legislature could do, because he has more time in which to go into details.

I put these facts before Mr. Jacoway in a letter dated July 24, when the report of the Agricultural Committee was being drafted; but not being on the spot, I failed to make an impression. I must tell you, however, that the friends of wild life generally feel about this matter just as I do, but much more strongly! Many of them feel that if the game sanctuaries must be dependent upon the initiative of state legislatures, as the Hayden bill in its present form demands, then the whole act becomes almost useless. While I myself think that we could induce some legislatures to take action, the delays in doing so, and the difficulties, would be interminable; and at least three-fourths of the whole structure that we are trying to erect would fall to the ground in ruins.

Knowing the workings of state legislatures as you do, do you not agree with this view?

Faithfully yours,

WILLIAM T. HORNADAY.

The first session of the 64th Congress adjourned without the Hayden Bill having been reached; but our bill was placed on the union calendar as No. 363.

When the second session of the 64th Congress convened in December, 1916, the friends of the Hayden bill prepared to bring that measure to a vote on one of the calendar Wednesdays assigned to the Committee on Agriculture. Those dates were January 10 and January 17.

January 7, 1917—On this date the Hayden bill came within *one hour* of being passed by the House! For that calendar Wednesday it was bill No. 3, and at first there seemed to be an excellent prospect that it could be reached. Several members of the House Committee on Agriculture (of whom Representative Reilly had the bill in charge), remained at "attention" in the House for two hours, for the purpose of calling up the bill and passing it as soon as it could be reached. Unfortunately, however, three hours of the time available to the Committee on Agriculture were consumed by a tiresome and almost interminable series of speeches and colloquies on the hog cholera serum bill. Finally, however, the consideration of that measure terminated at four o'clock; when bill No. 2 was taken up. Bill No. 2 consumed all the remaining time of that session, and prevented our bill from being reached. Thus was one of our opportunities lost.

February 5.—On this date Mr. Reilly called up the game sanctuary bill under the unanimous consent rule, and Mr. Mondell made the one "objection," which was sufficient to prevent consideration. Thus was the last opportunity of the 64th Congress lost. Mr. Mondell naively explained that the bill had been amended to meet his views, but inasmuch as he had been notified that a memorial to Congress condemning the bill had been adopted by the Wyoming legislature he felt it to be his duty to file an objection.

A little later the following was reliably reported from Wyoming:

"Immediately after the campaign instituted for the Chamberlain-Hayden bill, and immediately after the hearing before the Committee, at which you and Mr. Mondell testified, Mr. Mondell wrote a letter to each member elect of the Senate and House of Representatives of this State, and sent each of them a copy of the hearing before the Committee, *and a letter strongly urging them to take the action they did take in connection with the memorial you complain about.* I supposed all the time you knew this. I was able to get hold of only one copy of his letter, which in some way I have mislaid, but as I remember its contents it was a strong tirade against the right of the general Government to assert supervision over the wild game of the State as against State control.

"I think this letter was published generally throughout the state. At least I met with it on several occasions.

"The members of the legislature were early in the game impregnated with opposition to the Chamberlain-Hayden bill, as most of the people of the state were, not on account of the proposal to protect game in the state under its provisions, but as a strong radical measure embracing all there is in the supposed encroachment of the Federal Government upon the rights of the State to control its own resources.

"The matter of the hearing before the Committee, as to the manner of control, urged by the representatives of the Government, was at variance to the statements made in addresses sent out, as I view the subject; and I believe it was fully before me."

From this it appears that Mr. Mondell made from the very beginning down to February 5, 1917, a vigorous campaign against the Hayden game sanctuary bill. That would have been all perfectly proper, but for one detail,—the shamelessly false and deceptive character of the "memorial" to Congress from the Wyoming Legislature. The transmission of lies to Congress and the President of the United States is in bad taste.

February 10—The Wyoming Legislature, by publication in the *Congressional Record*, transmitted to the members of the Senate and House of the 64th Congress a "Memorial" entitled, "Enrolled Joint Memorial No. 1," intended for "the President of the United States, the President of the Senate, the Speaker of the House of Representatives, the Senators and Representatives in the Congress of the United States from the State of Wyoming, . . . and to each of all the Governors of the states having national forest reserves within their boundaries."

As published in the *Congressional Record*, section three of the original memorial, breathing a spirit of rebellion against the authority of the United States, was thoughtfully omitted!

The memorial referred to above consisted almost wholly of falsehoods and misrepresentations, all of which were exposed in a document issued by the Permanent Wild Life Protection Fund on February 23, entitled "The Wyoming Legislature at the Bar of Public Opinion." The text of the document will be found reproduced on page 74-78 of this volume.

At the close of the 1917 session of Congress our bill died on the calendar, as did hundreds of other bills. Thus ended the adventures of the Hayden game sanctuary bill in the House of Representatives in 1916-17. We are absolutely certain that could it have been brought to a debate and a vote, it would have passed the House by a large majority. The following Representatives declared in writing, and quite voluntarily, their approval of the game sanctuary bill, and their intention to support it:

ADDISON T. SMITH (Idaho)
HENRY T. RAINY (Ill.)
CLAUDIUS U. STONE (Ill.)
WILLIAM W. WILSON (Ill.)
MERRILL MOORES (Ind.)
JAMES C. McLAUGHLIN (Mich.)
LUTHER W. MOTT (N. Y.)
FREDERICK C. HICKS (N. Y.)
ISAAC SIEGEL (N. Y.)
EDMUND PLATT (N. Y.)

DANIEL R. ANTHONY, JR. (Kansas)
MICHAEL K. REILLY (Wis.)
CORDELL HULL (Tenn.)
WILLIAM C. HOUSTON (Tenn.)
GEORGE S. GRAHAM (Pa.)
WILLIAM KETTNER (Cal.)
CHARLES H. RANDALL (Cal.)
EDWARD KEATING (Colo.)
F. H. GILLET (Mass.)
JULIUS KAHN (Cal.)

WILLIAM S. BENNET (N. Y.)	EVERIS A. HAYES (Cal.)
JOHN F. CAREW (N. Y.)	M. M. NEELY (W. Va.)
PETER J. DOOLING (N. Y.)	JOHN A. ELSTON (Cal.)
JOHN H. SMALL (N. C.)	JOHN E. RAKER (Cal.)
ARTHUR W. OVERMYER (Ohio)	J. W. ABERCROMBIE (Ala.)
WILLIAM W. GRIEST (Pa.)	WARREN W. BAILEY (Pa.)
HENRY W. WATSON (Pa.)	JOHN L. BURNETT (Ala.)
HENRY W. TEMPLE (Pa.)	JOHN M. EVANS (Mont.)
JOHN V. LESHER (Pa.)	J. THOMAS HEFLIN (Ala.)
JOSEPH W. BYRNS (Tenn.)	WILLIAM B. OLIVER (Ala.)
WALTER A. WATSON (Va.)	HENRY B. STEAGALL (Ala.)
JOHN J. ESCH (Wis.)	MURRAY HULBERT (N. Y.)
C. C. DILL (Wash.)	JAMES W. HUSTED (N. Y.)
EDWARD E. BROWNE (Wis.)	

THE CHAMBERLAIN BILL IN THE SENATE.

It is our belief that there never was a time after the Chamberlain bill was placed on the Senate calendar that it could not have passed by a large majority provided a vote could have been obtained.

The following Senators voluntarily declared in writing their approval of the bill, and their intention to support it; and many of them exerted themselves to the utmost to bring it to a vote:

JOHN D. WORKS (Cal.)	JOHN W. WEEKS (Mass.)
OSCAR W. UNDERWOOD (Ala.)	THOMAS B. CATRON (N. M.)
JOHN H. BANKHEAD (Ala.)	FRANCIS G. NEWLANDS (Nev.)
GEORGE P. McLEAN (Conn.)	WARREN G. HARDING (Ohio)
JAMES H. BRADY (Idaho)	GEO. E. CHAMBERLAIN (Ore.)
THOMAS TAGGART (Ind.)	HARRY LANE (Ore.)
MOSES E. CLAPP (Minn.)	BOIES PENROSE (Pa.)
KNUTE NELSON (Minn.)	BENJ. R. TILLMAN (S. C.)
HENRY L. MYERS (Mont.)	MILES POINDEXTER (Wash.)
GEORGE W. NORRIS (Nebr.)	PAUL O. HUSTING (Wis.)
HENRY F. HOLLIS (N. H.)	JOHN K. SHIELDS (Tenn.)

March 15, 1916—The Chamberlain bill was favorably reported to the Senate by the Committee on Forest Reserves and the Protection of Game, and placed on the Senate calendar as No. 237. Under the unfortunate rules of the Senate, which had prevailed for over 100 years, it was possible for a single senator by a single "objection" to relegate to the background any one of a large number of bills other than the privileged measures. It was through this unfortunate condition, now happily ended by the adoption of the

cloture rule at the extra session of the Senate in March, 1917, that a very small group of Senators were easily able to prevent action on the Chamberlain bill in spite of the fact that the great majority of Senators desired its passage. The chronology of Senator Reed Smoot, of Utah, is as follows:

WHY THE SENATE FAILED TO PASS OUR BILL.

April 20—The Chamberlain bill was called up under "Rule 8" (unanimous consent). Senator Smoot said, "I object," and the bill went over.

June 3—The Chamberlain bill was called up under "Rule 8." Senator Smoot "objected," and again it "went over."

July 19—The Chamberlain bill was called up under "Rule 8." Senator Thomas of Colorado "objected," and the bill "went over," evidently at the request of Senator Smoot.

Dec. 15—The Chamberlain bill was called up under "Rule 8." Senator Smoot said "I object," and the bill "went over."

Jan. 25—The Chamberlain bill was called up under "Rule 8." Senator Smoot said "I object," and the bill "went over."

Feb. 2—The Chamberlain bill was called up under "Rule 8." Senator Smoot "objected," and the bill "went over."

March 4—Congress adjourned.

We call upon the people of Utah, and Colorado, and all of the other 27 states containing national forests to note carefully the above record. We call upon all sportsmen to observe that on six different occasions under its unfortunate rules the Senate of the United States *took the only course open to it* to secure the passage of the game sanctuary bill, and that the passage of the bill was defeated by filibustering!

Another instance of minority rule!

In one of the closing days of the 64th Congress another effort was made to bring up the Chamberlain bill, under suspension of the rules, by which unobjectionable bills could be passed without debate. It was reliably reported that Senators Smoot, Thomas and Reed notified the Senate leaders that if the game sanctuary bill was called up they would

“debate it at length”; and therefore that last chance was lost.

Whether gag rule and minority rule can and will be successfully applied throughout the 65th Congress to prevent the Chamberlain bill from being brought to a fair and square vote, remains to be seen. We hope that the cloture rule will bring the relief to the Senate situation that so many Senators long have desired, and have sought to secure. We believe that the friends of the bill in the Senate will sometime succeed in bringing it to a vote; but beyond all doubt, the dog-in-the-manger policy will again be pursued to its utmost limits.

THE "STATE RIGHTS" FETICH AND THE U. S. SUPREME COURT

THE almost-forgotten "state rights" issue flourished in the United States sixty years ago; but about fifty years ago, by common consent it was given a respectable funeral, and decently interred. It was fully that long ago that the American people realized to the full that the United States are a nation, and that the majority is not necessarily hostile, or even mean, to the minority.

For fifty years a large number of Congressmen conscientiously have been endeavoring to legislate for the greatest number, and the best interests of all. When the time comes, if ever it does come, that those principles are pulled out from the foundations of Congress, then out will go with them the props of this rather complex nation.

But the lapse of time brings many changes.

During the past five years we have seen, in course of development, signs of state hostility to the federal government. We saw in Washington, at one of the Conservation Congresses, a prolonged fight for the principle of state vs. federal sovereignty in the utilization of water. The state of Colorado claimed the right to sequester all the waters of the Arkansas river that ran within her borders, regardless of the rights of the states below.

In the 64th Congress, the last one, one Representative (Mr. Mondell, of Wyoming), made a prolonged and bitter fight on the Hayden sanctuary bill on the ground that it proposed unwarranted interference with the rights of Wyoming in the National Reserved Forests. Of course Mr. Mondell claimed that the bill was "unconstitutional," as well as unnecessary and harmful.

In the same session of Congress, Senator Smoot, of Utah, and Senator Thomas, of Colorado, by repeated "objections" when unanimous consent to vote was sought, and when but for the minority this bill would have been passed, also upheld the sovereign rights of their states. *Five times did Senator Smoot block the road to a fair and square vote by his single objection!* That was before the bad practice of 105 years in the Senate was sent to the Oblivion it deserved by the adoption of the cloture rule.

In view of all this, the decision of the United States Supreme Court, as rendered on March 19, becomes of surpassing interest. It emphatically affirms all the rights of the federal government in and upon the national forests, to the exclusion of all state jurisdiction. We will reproduce the news as we read it; for it looks rather good. By the irony of Fate it is based upon a Utah case.

The New York Times

NEW YORK, TUESDAY, MARCH 20, 1917.

LIMITS STATE LAND POWERS

Federal Control Paramount, Supreme Court Rules in Utah Case.

WASHINGTON, March 19.—In sustaining injunctions ousting Utah hydro-electric power companies from Federal forest reservations, the Supreme Court today upheld Federal and limited State sovereignty in developing resources in Western "public land" States. Regulations of the Agriculture and Interior Departments' conservation policy and

decrees requiring the Utah power companies to remove their property from the public lands unless they secure Federal permits were sustained.

The court maintained the power of Congress to regulate all public lands and denied that its authority was limited to lands actually used for Federal purposes. All Government regulations were not specifically upheld, but the court refused to disturb any of them. It also held the Government entitled to reasonable compensation from the Utah power concerns for use of lands occupied.

The suit decided was that of the Government to oust the Utah Power and Light Company and the Beaver River Power Company from public lands in the Wasatch and Fillmore forest reservations in Utah. The power companies had permission from Utah to develop water power in the forest reservations for "public" purposes. In court, they contended the State—not the Federal Government—had authority to permit use of public lands in developing public resources within their borders, even on Government land. Federal control as against State control was sustained in the Utah Federal courts.

We hope that the above decision will be accepted as conclusive, and that it will forever lay the State Right ghost that last year was dragged from its tomb, brushed off, and set in the broad glare of publicity. Will any member of any future Congress risk setting himself up against the Supreme Court of the United States?

We hope not.

THE WYOMING LEGISLATURE AT THE BAR OF PUBLIC OPINION

IT IS CHARGED WITH AN UNTRUTHFUL AND MIS-
LEADING "MEMORIAL" TO CONGRESS, AND
A SPIRIT OF OPEN REBELLION AGAINST
THE FEDERAL GOVERNMENT.

ORIGINALLY ISSUED, FEBRUARY 23, 1917.

A NATION, a state or a city can be unfair, ungentlemanly or mean, just the same as an individual. A state legislature can be guilty of bad conduct, just the same as a street gamin who throws mud at a club window.

To show up the shortcomings of the legislature of a state that is full of good and friendly people, is a painful task; but those who volunteer to stand up for the rights of wild life have to perform many duties that are disagreeable.

We have given the Wyoming legislature a fair chance to think it over, and square itself by rescinding that outrageous "Memorial." But that opportunity has been ignored and apparently that legislature wishes to have its memorial "go as it lies," and lie as it goes. We therefore have no option but to bring that legislature up to the bar of Public Opinion, with our charges, and our evidence of wrongdoing.

The federal game sanctuary proposition now before Congress on a strong foundation of public sentiment and desire, is, in our opinion, absolutely *the last chance* of the West to bring back the big game to its now lifeless and desolate wastes of wilderness, and make it really plentiful once more. If any state prefers desolation to good sport and a new food supply, its governor can side-step the game by merely refusing to concur in the proposals for sanctuaries that are

THE WYOMING LEGISLATURE PREACHES STATE SOVEREIGNTY, AND PRACTICES FEDERAL
AID FOR HER GAME!



WYOMING THEN,

In 1911.—Feeding federal hay, purchased from \$20,000 appropriated by Congress, to the starving elk of Wyoming. Prayed for in the "Memorial" of the *Wyoming Legislature* adopted Feb. 17, 1911. \$45,000 added in 1913, for the purchase of winter refuges.

AND WYOMING NOW,

In 1917.—On Feb. 10, the Wyoming Legislature adopted another "Memorial", ordering "the Congress of the United States to refrain from enacting legislation in any way affecting the wild game within the borders of our state." And the whole Memorial was based on falsehoods and misrepresentations.

W. T. H.

submitted to him. For any state to try to *block the whole undertaking, and deprive other states* of the benefits which it spurns, is to act the part of a dog-in-the-manger.

As will be seen by its text, the "Memorial" of the Wyoming legislature is *destructive*, not *constructive*; and in the destruction of the game sanctuary idea, it goes just as far as that body could possibly send it. We do not object to, or criticize, opposition that is fair and honorable; but no legislature west or east, nor any other body of men, shall be permitted to attack this cause by suppression of the truth, and by bald falsification, and get away with it.

It is to be distinctly understood that in this matter a wide gulf exists between the legislature and the best people of Wyoming. On page 4 we will exhibit the character of Wyoming's support of the game sanctuary cause.* We will exhibit the names of state officers and others, who have carefully considered this matter, and put down their declarations of support *in writing*. The principles of the "Hornaday plan" to which they subscribed are reproduced, without the variation of a single principle, in the Chamberlain and Hayden bills, now before the two houses of Congress. It is a very strange circumstance that the very state which *from the Governor down has given the strongest support to the game sanctuary cause*, should now find its legislature suddenly breaking loose and running amuck with this astounding "Memorial."

The game sanctuary plan, now attacked, concerns directly the people of 27 national forest states. *Indirectly, it concerns the 100,000,000 people of this nation, each one of whom has vested rights in each one of the national forests!* The plan carefully provides that any state which does not wish any federal game sanctuaries can avoid having any! Any state that wishes to exterminate her game, or prevent game increase within her borders, can do so by the exercise of the veto power granted each state by the Chamberlain bill. Wyoming, in fighting this cause, is endeavoring to

*See Bulletin Section of this volume, pages 86-99.

deprive 26 other states of their chance to save their big game by the sanctuary plan! On that score we decidedly object to Wyoming's memorial.

THE CHARGE.—We charge the Legislature of the State of Wyoming with having on February 10, 1917, adopted and transmitted to the President of the United States, to Congress and to the governors of the states containing national forests, (of which there are 27), a certain "Enrolled Joint Memorial No. 1," consisting of 7 sections of preamble and three resolutions, in and by which the following offenses were committed:

1. That "Whereas" No. 1 suppresses and conceals an important material fact, the omission of which conveys a totally false impression, and is injurious to a great cause.
2. That "Whereas" No. 2 is untrue.
3. That "Whereas" No. 3 distinctly breathes a spirit of open rebellion against the authority of the United States Government in the administration of its own property, known as the National Reserved Forests.
4. That "Whereas" No. 7 is totally false and misleading, and injurious to the interests of the 100,000,000 people of the United States generally, all of whom have vested rights in the wild life of the National Reserved Forests.

THE EVIDENCE.—As Exhibit A, we offer the first section of the Chamberlain bill (S. 4418), favorably reported to the Senate on March 15, 1916, by the Committee on Forest Reservations and the Protection of Game, and now on the unanimous consent calendar as No. 237.

A BILL To establish game sanctuaries in national forests, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

Sec. 1. That for the purpose of providing breeding places for game animals on lands in the national forests not chiefly suitable for

agriculture the President of the United States is hereby authorized, upon recommendation of the Secretary of Agriculture and **with the approval of the governors of the States** in which the respective national forests are located, to establish, by public proclamation, certain specified areas within said forests as game sanctuaries or refuges which shall be devoted to the increase of game of all kinds naturally adapted thereto, but it is not intended that the lands included in such game sanctuaries or refuges shall cease to be part of the national forests wherein they are located, and **the establishment of such game sanctuaries or refuges shall not prevent the Secretary of Agriculture from allowing grazing on these areas of cattle, sheep and other domestic animals or allowing other uses thereof under and in conformity with the laws and the rules and regulations applicable to the national forests**, so far as such use may be consistent with the purposes for which such game sanctuaries or refuges are authorized to be established.

The House of Representatives now has before it, as No. 363 on the Union Calendar, the Hayden bill, which originally was identical with the Chamberlain bill, but now contains an alteration. To satisfy Representative Mondell of Wyoming, who is a stickler for "state rights," the House Committee on Agriculture struck out the words "with the approval of the governors of the states," etc., and inserted, "with the approval of the respective states by a joint resolution of the legislatures thereof," etc. With that change, putting the power of state approval or veto, of each sanctuary proposed, in the hands of his state legislature, *Mr. Mondell was satisfied*, and so expressed himself on the floor of the House on February 2, 1917.

What more could the most rabid state-righter have demanded, or received?

[Many times in the course of our efforts in behalf of wild life, our campaigns have received at critical moments unexpected accessions of strength. The decision of the United States Supreme Court in the Utah power case, rendered on March 19, and set forth elsewhere, is a crushing answer to the new advocates of state sovereignty on the public domain. The Nation, as a large landed proprietor, does not propose to be stripped of the rights that are freely granted, both by the nation and by the states, to even the humblest citizen owner of real estate. It is to be hoped that both in Wyoming and in Washington the legislative atmosphere now is somewhat clarified.]

A SEARCH-LIGHT ON THE "MEMORIAL."

THE MEMORIAL.*

Be it Resolved by the House of Representatives of the State of Wyoming, the Senate concurring:

1.—THAT, WHEREAS there is before the Congress of the United States a Bill for an Act to establish game sanctuaries in the national forests, under rules and regulations to be put in force, and places to be designated by the President upon recommendation of the Secretary of Agriculture, and

2.—WHEREAS, such a bill if enacted into law would seriously conflict with the authority of the State of Wyoming in the care, regulation and preservation of the game within the borders of said State, thus violating all precedent, and

THE FACTS.

1.—Among lawyers it is an axiom that "concealment of the truth in evidence is one of the worst forms of lying."

This "whereas" conceals the vitally material FACT that the Hayden bill places state approval and veto power in the hands of the Legislature of each state, and the Chamberlain bill places it in the hands of the state governors! A totally false impression is conveyed to the President of the United States, to Congress and to 27 Governors by the suppression of these facts.

2.—This statement is false in general, and in detail. As an exhibit of "precedents" we offer first the Yellowstone National Park, in the State of Wyoming, a vast federal game preserve of 3,348 square miles, without which it is reasonably certain that there would not be today one elk or moose alive in Wyoming, because under the laws of Wyoming they would long ago have gone the way of the bison, and of the elk of the Big Horn Mountains. We also offer 15 other National Parks, each one of which is a federal game sanctuary, made in a national forest!

The Chamberlain bill, if enacted into law, will not "conflict" with the authority of any state, because it provides that every sanctuary made shall be approved by the governor of the state in which it is situated! Confliction is thus rendered impossible; and the Wyoming Legislature knows it!

*Full text of the official copy received direct from the Secretary of State of Wyoming.

3.—WHEREAS, there exists no economic, scientific, political, moral or artistic reason why the sovereignty and autonomy of this State should be abrogated or infringed upon in this particular by the Congress, and the way opened for further centralization of power and authority, and

3.—This is the most startling declaration that has been advanced by any state legislature to the President, or to Congress, since the civil war. It challenges the right of the United States to the National Reserve Forests, even in protecting game thereon from slaughter. It breathes a spirit of open rebellion against the federal government, and raises a rebellious standard of "State rights," and "State sovereignty."

It is without palliation or extenuating circumstance. It is a challenge to the People of the United States; and the quicker it is picked up and fought out to a finish the better! In settling an ugly matter of this kind, there is no time so good as the Present.

4.—WHEREAS, the people of the State of Wyoming, through their Legislature have, after long experience, and a fine sense of the artistic and economic value of the big game of the State, enacted and perfected a code of wise and equitable game laws, and these laws have, for a period of years, been industriously enforced by an efficient corps of State officials in co-operation with the Forest Department with the result that the elk, moose, deer and mountain sheep are today more numerous than for many years past, and with the further result that there has been a remarkable increase of male elk bearing fine antlers, a condition plainly denoting the fact that illegal hunting has been practically eliminated, and

4.—Under Wyoming's "wise and equitable game laws," conceived with a "fine sense of artistic (!) and economic value," the elk on the Big Horn Mountains were totally exterminated, and other big game nearly reached the same point! Not one pair of elk remained; and finally the members of the Sheridan Sportsmen's Club raised a fund and paid the expense of hauling in live elk with which to restock those mountains.

Recently a member of the firm of Frost and Richards, guides of Cody, stated to us that in his opinion the mountain sheep of Wyoming in the hunting districts were down to "not more than 100 head." I think Mr. Frost was right.

The moose was saved to Wyoming by breeding under federal protection in the Yellowstone Park, where there are now about 700 head, and spilling over into the northwest corner of Wyoming.

Under the defective State laws of Wyoming, between 1889 and 1900 the herd of 300 wild buffalo in the Yellowstone Park was killed by poachers down to about 30 head; and even Howell, caught skinning five cows, could not be punished, save by the confiscation of his cayuse, his saddle and his rifle.

5.—“The hunting of moose is prohibited.” But only year before last (1915) Wyoming issued **fifty** licenses for killing Wyoming’s remnant moose!

6.—It may be so regarded in the Wyoming legislature, and in the State Game Warden’s office; but it is so regarded nowhere else, so far as we have heard. The statement is absurd. In a short time there will be no big game hunting anywhere in Wyoming save around the federal and state game sanctuaries.

7.—This statement is totally and maliciously false!

From July 1, 1915, down to the present hour the “Hornaday plan,” and Chamberlain and Hay-

5.—WHEREAS, the Legislature of the State of Wyoming has from time to time created and extended game preserves for breeding purposes whereon hunting is absolutely prohibited, until today there are over two and one-third million acres included in such game preserves. In addition to this the hunting of moose and antelope is prohibited, and the hunting of elk is restricted to two counties and a small part of another county of the State, and

6.—WHEREAS, the State of Wyoming has long been and is today regarded as one of the best stocked big game sections of the world, and

7.—WHEREAS, the contemplated legislation by Congress threatens to interfere with the wise regulations now in force for the grazing of domestic stock upon the forest reserves,

den bills, one and all, specifically and positively provided that the rights of the grazing industries shall be fully and fairly safeguarded. See the last clause of Section 1 of the Chamberlain bill above.

This state of fact has been so well and so widely understood that thus far **no opposition to either of our bills has come from any grazing interest**; and our supporters include a host of sheep and cattle men, and officers of Stock-growers' State Associations. See the list of Wyoming supporters.

This sounds very different from the memorial appeal of Feb. 17, 1911, by the Wyoming legislature, praying Congress for federal interference in saving the elk of Wyoming from starvation. And Congress generously interfered, by spending in 1911 and 1913 \$65,000 of federal money. Evidently the information of the present legislature does not go back as far as the year 1911. That earnest and touching prayer for federal legislation "affecting the wild game" of Wyoming, said:

" And the Congress of the United States is hereby memorialized and requested to make an adequate **appropriation of money** to be used in aiding and cooperating with the State of Wyoming in the laudable and desirable effort to feed, protect and preserve from extinction the principal remnant of the big game of the United States, which range during the winters principally within the territory of the State of Wyoming"; and the Wyoming legislature boldly asked the President for his "aid in bringing the object of this memorial and request before Congress, and in securing from same an **adequate appropriation of public moneys** for the noble, humane and national purpose herein set forth."

THEREFORE, we, the Senate and House of Representatives of the State of Wyoming, hereby memorialize the Congress of the United States to **refrain from enacting legislation in any way affecting the wild game within the borders of our State**, and

BE IT RESOLVED that engrossed copies of this memorial be sent to the President of the United States, to the President of the Senate, the Speaker of the House of Representatives, to the Senators and Representatives in the Congress of the United States from the State of Wyoming, viz.,

Senators Clarence D. Clark, Francis E. Warren and Representative Frank W. Mondell, asking their aid in bringing the object of this memorial before Congress, and

BE IT FURTHER RESOLVED, that copies of this memorial be sent to each of the Governors of the States having national forest reserves within their boundaries, asking their co-operation with the object of this memorial.

"FEDERAL INTERFERENCE" AND "CENTRALIZATION OF POWER" IN WYOMING.—Today the Wyoming Legislature hotly resents the idea of any "federal interference" with that state in the management of its game. And the Legislature poses and says, "Look at me! See how all-sufficient am I in game conservation!"

It was in 1911 that we received from Jackson Hole, by wire, an S. O. S. distress call for help to save the elk of Wyoming. It said: "William T. Hornaday: Five thousand elk will starve this winter unless fed. S. N. Leek." Instantly we approached Congress in behalf of *Wyoming*. And not in vain.

Two weeks later the proud and militant LEGISLATURE of Wyoming (now carrying a chip on each shoulder), sent an agonized "MEMORIAL" to the FEDERAL, "CENTRALIZED" Congress, praying from its marrowbones for *federal* help in buying hay to feed the starving elk of that commonwealth.

As it usually does in the protection of wild life, Congress responded instantly and generously, with an emergency gift of \$20,000. And she sent some of her best men out to Jackson Hole, to give first aid on the spot.

It was in 1913 that Congress appropriated \$45,000 MORE OF FEDERAL MONEY, to be spent in buying back for the elk, *from residents of Wyoming*, the winter feeding grounds that Wyoming had foolishly allowed her citizens to fence off, and convert to their own uses. And the federal government has been working on Wyoming's elk problem ever since,—with such thanks and appreciation as this "Memorial" reveals!

Look upon this nauseating "Memorial" of the State Legislature of that same State, protesting against "federal interference,"—*after \$65,000 of federal money have been spent in saving her game!*

Here we rest our case against the Legislature of Wyoming. We ask the President, the Congress of the United States and the Governors of the other 26 national forest states to give their verdict: Is the legislative body at the bar guilty as charged, or not guilty?

THE BREAK-DOWN OF SOME STATES IN GAME PROTECTION

IT IS indeed high time for the American people who love "game" and "hunting," to look certain facts squarely in the face, acknowledge the truth, and abandon pernicious ideas.

In this world there are certain truths that are perfectly obvious and undebatable, no matter whether people admit that fact or ignore it. Here are two of them:

(1)—An absolute monarchy, with a centralization of power, is the best form of government for the protection of wild life; and

(2)—A republican form of government is the worst in the world for wild life.

The history of the United States is dotted full of instances wherein "the majority" was wrong.. For example, in 1915, throughout twelve full months, *ninety-five per cent. of the American people, including the President and Congress, were dead wrong on the subject of national preparedness!* They were sodden in slumber, they slept as drunken men sleep, and during that year they would not awaken. NOW, even the dullest man who is honest at heart can see what was lost by "*the majority*" in 1915,—and even later.

No! decidedly not! Majorities are *not* always right. This world should now be ruled by quality, and not quantity. Even for the defense of our homes and people, the 64th Congress did not give us universal military service.

Although for fifty years we have believed that state-rightism, as a doctrine, was dead and buried, during the past five years we have seen its revival. The old fetich has

been dug up by western hands, brushed off, washed, varnished anew, and set up on a pedestal made in the West. In a word, state-rightism is the desire of an individual state to do as it pleases, irrespective of the rights and interests of its neighbors, and the rights of the federal government in its own property.

This whole matter has become important at this time, because there are now in Congress several devotees of state-rightism who are in a position to block legislation necessary for the protection and development of our nation's federal resources. By way of illustration, I refer particularly to Senator Smoot of Utah, Senator Thomas of Colorado, and Representative Mondell of Wyoming. As an index of the influence that a very few determined men can exert in legislative bodies, we record the fact that but for the blockading tactics of the gentlemen named, *the game sanctuary bill would have been passed by the 64th Congress, in 1916.*

Inasmuch as Mr. Smoot and Mr. Mondell both hold firmly to the idea that "the states can protect game better than the federal government," we are inclined to record here a few facts bearing upon that point. And inasmuch as the particular matter at issue in the game sanctuary bill is more western than eastern, I shall, for the present, confine my records to western evidence.

Without a single exception, ever since the West first began to think seriously about game protection, which was about 30 years ago, every western state has depended upon game laws that were five times too liberal to the hunters, and five times too hard upon the game. Open seasons were too long, bag limits were recklessly extravagant, the guns were too deadly, the hunters were five times too numerous, and there was 100 times too much lawless killing.

If there is any state in the Union whose lawmakers feel that during the past 30 years it has adequately protected its wild life and has given its wild life a thoroughly square deal, I will, upon request, gladly furnish a bill of particulars

setting forth wherein that state has fallen short in those matters.

The results of such conditions are automatic. As night follows day, extermination of game follows the slaughter of game. Let us illustrate.

COLORADO is the state of SENATOR THOMAS, who by objecting to unanimous consent on July 19, blocked a vote on the Chamberlain game sanctuary bill that otherwise *would have been passed by the Senate on that day.*

Colorado, we repeat, always has been regarded as one of the best game-protecting states of the West. For many years it has had game protective laws and game wardens, and has paid a great deal of sincere attention to the business of preserving her wild life.

Originally that state had a mighty stock of big game,—bison, elk, deer of two species, antelope, mountain sheep, and bear. In 1900, deer in western Colorado were marvelously abundant. Her bison were long ago completely exterminated, her elk, very nearly so. Today all the big game of Colorado is so far gone that the state has felt *compelled to stop all hunting of big game*,—elk, deer, mountain sheep, antelope and bear. The people of Colorado can hunt nothing but rabbits, grouse, quail and introduced pheasants. Mountain sheep so nearly disappeared 28 years ago that sheep hunting was stopped then; and since that time Colorado's wild sheep have increased to over 7,000 head!

And today the citizens of Colorado, at their own expense are hauling elk from the Yellowstone Park with which to re-stock their desolate mountains; and Colorado men are begging that federal laws shall be passed for the protection of those elk in inviolable SANCTUARIES. Men like Tod Powell, of Colorado Springs, are anxiously awaiting the enactment of the very law to which Senator Thomas now "objects!"

WYOMING is the state of objector MONDELL. The greatest crime of this state was the annihilation, according to the

state laws, of all the big game of the Big Horn mountains. Once that range was a grand hunting ground, well stocked with elk, sheep, deer and bear. About three years ago the Sheridan Sportsmen Club subscribed a sum of money to haul in a lot of elk from the Yellowstone Park, to stock those desolate mountains anew.

The Shoshone Mountains were well stocked with game in 1889-90, but by 1903 they were so desolate and lifeless that, because there was in it *practically nothing more to kill*, Wyoming called the country between the forks of the Shoshone River a "game preserve." Elk are found in winter south of the Yellowstone Park solely because of the protection they receive during their breeding season, and for six months of each year, in the Yellowstone Park.

The mountain sheep of Wyoming have been shot down to about 100 head (as estimated by Frost and Richards); but Wyoming WILL NOT give those remnant sheep a long close season. When all of them are gone, the Wyoming legislature will generously rush forward to accord a five-year close season—to a lot of sheep skeletons!

In 1917 the Wyoming legislature turned back to the elk-hunters the eastern half of the Teton Game Preserve, lying south of the Park,—the first instance on record of the de-consecrating of a game sanctuary. That was the only item of game protective (?) legislation enacted in that state in 1917.

In 1912, with all her state rights ideas, Wyoming did not hesitate to memorialize the national government for federal cash with which to buy hay to feed her starving elk. She asked the President to help her to secure cash from Congress. In 1916, the federal government's men killed 1900 predatory animals in Wyoming, while the state's agents accounted for only 627.

In 1917, the Wyoming legislature sullenly refused to pass Mr. Wm. L. Simpson's bills to give long protection to sage grouse and sheep.

As a game-protecting state, uninfluenced by the work of the United States government, Wyoming stands today far toward the rear. But for the National Park she would have neither elk nor moose. Says E. W. Nelson, Chief of the Biological Survey, in "American Forestry" for March, 1917, page 143:

"But for the creation of the Yellowstone National Park, and the guardianship assumed by the Federal Government over its wild life, there is no reason to doubt that the two great elk herds now centering there, and containing some 40,000 of these splendid animals, would to a great extent have shared the fate of their kind elsewhere."

Until 1894, the protection of the big game in the Yellowstone Park depended wholly upon the laws of Wyoming; but those laws were so *poor*, and so *inadequate*, that a herd of 300 wild bison permanently inhabiting in the Park was slaughtered by poachers down to about 30 head. And even when Howell was caught in the act of skinning five of the last cows, *he could not be punished*, save by confiscating his cayuse, his saddle and his rifle,—a proceeding which he laughed to scorn. The game laws of Wyoming were a broken stick on which to lean. If that bison herd had been adequately protected by the "state" laws of Wyoming, the Yellowstone Park now would contain probably 2,500 head!

But it is impossible within these limits to treat the shortcomings and the game losses of each western state in extenso. We must shorten the work. Attention is called to the following notes:

ELK.—*As a killable game animal, the elk has been exterminated, under state laws, throughout 13 of the western states that it inhabited in our own times. Those states are: Colorado, Arizona, New Mexico, California, Nevada, Oregon, Washington, North Dakota, South Dakota, Minnesota, Nebraska, Kansas and Oklahoma.*

During the past five years *twenty states* have procured live elk from a federal game sanctuary, the Yellowstone

Park, to a total of about 1,700 head, for restocking purposes! This shows how well those 20 states protected their elk when they had elk!

DEER.—There are nine states which once contained deer that now are so destitute of them that there is in them no longer any deer hunting. Those deerless states are: Colorado, North Dakota, Nebraska, Iowa, Kansas, Illinois, Indiana, Ohio and Tennessee. And today *there are 18 states in which female deer may even yet be killed according to law!* They are:

Wyoming,
Montana,
Nevada,
Washington,
South Dakota,
Minnesota,
Arkansas,
Louisiana,
Kentucky,

Michigan,
Massachusetts,
Connecticut,
New Hampshire,
Maine,
Virginia,
North Carolina,
South Carolina, and
Florida.

VICIOUS BAG LIMITS.—In Missouri, Alabama and Mississippi the bag limit on deer is 1 per day! In Kentucky and Virginia there is NO LIMIT! Certain season limits are as follows: In Louisiana and Mississippi 5, Florida, Oregon, Texas and Georgia 3.

Now, in view of all existing conditions, there is not one state in our country which rightly and justly should maintain a bag limit on deer of any more than *one antlered buck each year to each licensed hunter*. And each state should have a law forbidding guides, under severe penalties, from killing deer for their patrons, or otherwise than under their own licenses.

As matters stand, a number of states that now have deer hunting soon will exterminate that sport.

BEAR.—At present only one western state (Oklahoma), makes any effort to conserve its stock of bears from reckless annihilation, and preserve the grand sport of bear hunting on a continuing basis. *Is it not strange* that bear hunt-

ers should be such fools as to exterminate their own sport, and that any state legislature should permit such a thing to be done?

SAGE GROUSE IN THE WEST.—The treatment of the sage grouse of the 11 western states that contain them was recklessly extravagant, wickedly wasteful and brutal; and this now applies to every state containing that grouse except Utah, Nevada, New Mexico, Montana, Washington and Idaho, (embracing one-half the sage grouse territory), that just now (1917) have given their sage grouse five-year close seasons, for recovery. The states that we begged to extend to that species a saving law, and that have refused to do so, (1917), are the following:

Colorado,	California,
Wyoming,	North Dakota,
Oregon,	South Dakota.

And look at the open seasons and bag limits (!) of those states:

	<i>Open Season.</i>	<i>Daily Bag Limit.</i>
Colorado.....	Aug. 1 to Sept. 1.....	20
Wyoming.....	Aug. 1 to Sept. 2.....	6
Oregon.....	Aug. 15 to Sept. 1.....	5
California.....	Sept. 1 to Dec. 1.....	4
North Dakota.....	Sept. 7 to Nov. 2.....	10
South Dakota.....	Sept. 10 to Oct. 10.....	25

Out of 11 sage grouse states, six have had the courage to reform, and go in the roll of honor. They are:

Utah,	New Mexico,
Idaho,	Montana and
Nevada,	Washington.

Public sentiment regarding game still is very different in the West and South (except Alabama), from what it is in the north-eastern United States. *Some of the western states are not competent to protect their local game on a continuing basis, because the awakened public sentiment either is not there at all, or is not sufficiently strong.* In the matter of the national forest states, *every one* of those states needs the help and the friendly co-operation of the federal

government! Already the forest rangers of several states are helping the state game wardens to protect the game; and that service is a valuable asset to each state concerned. In Wyoming it is very gratefully acknowledged by the State Game Warden, Mr. N. P. Wilson, in his last annual report.

Already the Forest Service has control of all grazing in the National Forests, and it is giving the stockgrowers a square deal. If the stockgrowers were left to state control, or, worse still, left without control, in a very few years *they would ruin the grazing grounds of the national forests!* It is to their own best interests that the whole grazing industry should be regulated by an impartial federal bureau, that knows no favorites, and fears no local influence.

Any man who believes that the Forest Service cannot be trusted to make proper game sanctuaries on waste lands, and protect the game within them for the benefit of the people, and at the same time give a square deal to the grazing industry, makes a serious mistake. In the western states it is now a case of GAME SANCTUARIES, AND MANY OF THEM, OR NO BIG GAME IN THE FUTURE.

A HUNDRED BIRD SANCTUARIES IN AUSTRALIA

VICTORIA is the south-eastern province of Australia. The fine and up-to-date city of Melbourne is its capitol, and it possesses a Zoological Garden worthy of the progressive people who made, and maintain it. DR. DUDLEY LE SOUEF is its director; and he is a zoologist, author and wild life protector of whom all Australia may well be proud. His books on the wild life of Australia are most satisfactory. Melbourne also has a fine Museum.

Hereafter Victoria should be known as the Province of the Hundred Bird Sanctuaries. Except in the extreme east and the extreme west, they are dotted all over the place, and three of them are huge patches of red, that fairly hit you in the eye. For convenience they have been numbered for us, by Mr. Rosenhain, and the big ones are as follows:

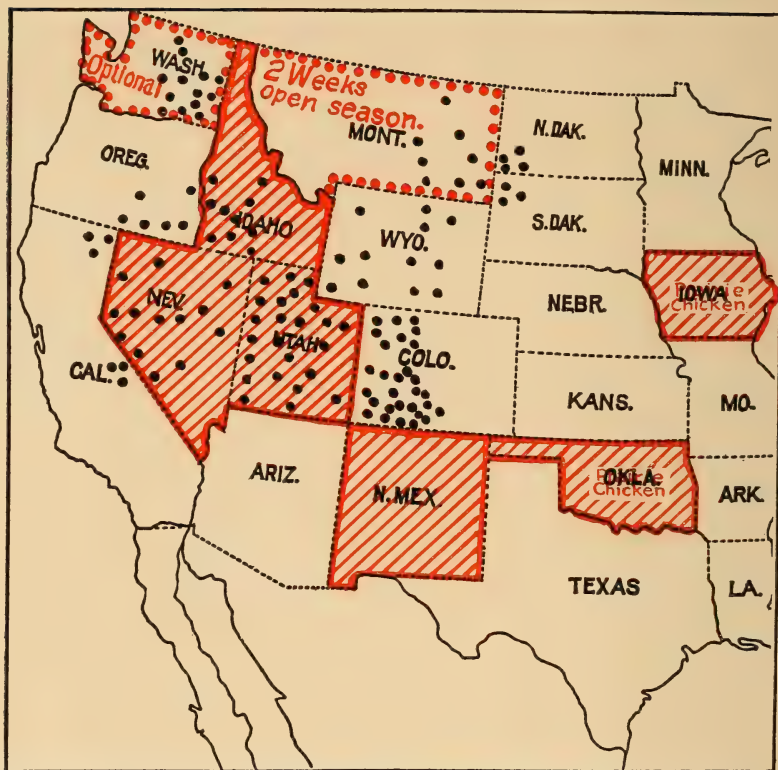
No. 48.	Wilson's Promontory and Corner Inlet	91,000	acres
No. 67.	State Forests in Countries, Evelyn, Anglesey and Buln Buln, about	500,000	"
No. 87.	Grampians State Forest	275,000	"

In reality, the total number is 109, and in all save 13 the areas are in the hundreds of acres. Many are over 1,000 acres, and quite a number run from 1,000 to 13,000.

MR. O. W. ROSENHAIN, of Melbourne, who furnished all these facts, had the pleasure of placing upon the map, through his initiative and efforts, Sanctuary No. 100, Hattah Lakes, of 3,500 acres.

In addition to all this, the region around Melbourne "for 20 miles from the post office is a sanctuary."

As an object lesson to the world in sanctuary-making, Victoria is Great! Across the widest of the seven seas, we salute her.



RESULT OF THE "GREAT DRIVE" FOR SAGE GROUSE AND PRAIRIE CHICKEN.

We have spent six months of hard work, about \$2,350 in money, and about 15,000 pieces of mail in a great drive for better upland game bird laws, covering 19 western states. The red on this map shows what was won for sage grouse and prairie chicken; and we now salute the victors. They have done something worth while for the wild life of their states, and for Posterity.

Idaho, Utah, Nevada, New Mexico and Washington have given Sage Grouse long close seasons. Montana allows only 2 weeks open season. Iowa gives both Prairie Chickens and Quail 5-year close seasons, and Oklahoma similarly protects her Prairie Chickens and Wild Turkeys.

Strange to say, the hardest fight was in Iowa, where the victory included the quail, and vanquished a state game warden and regiments of "sportsmen."

The solid red lines bound the states which have given absolute close seasons to the two species of grouse named above, and in several states, to other upland game birds.

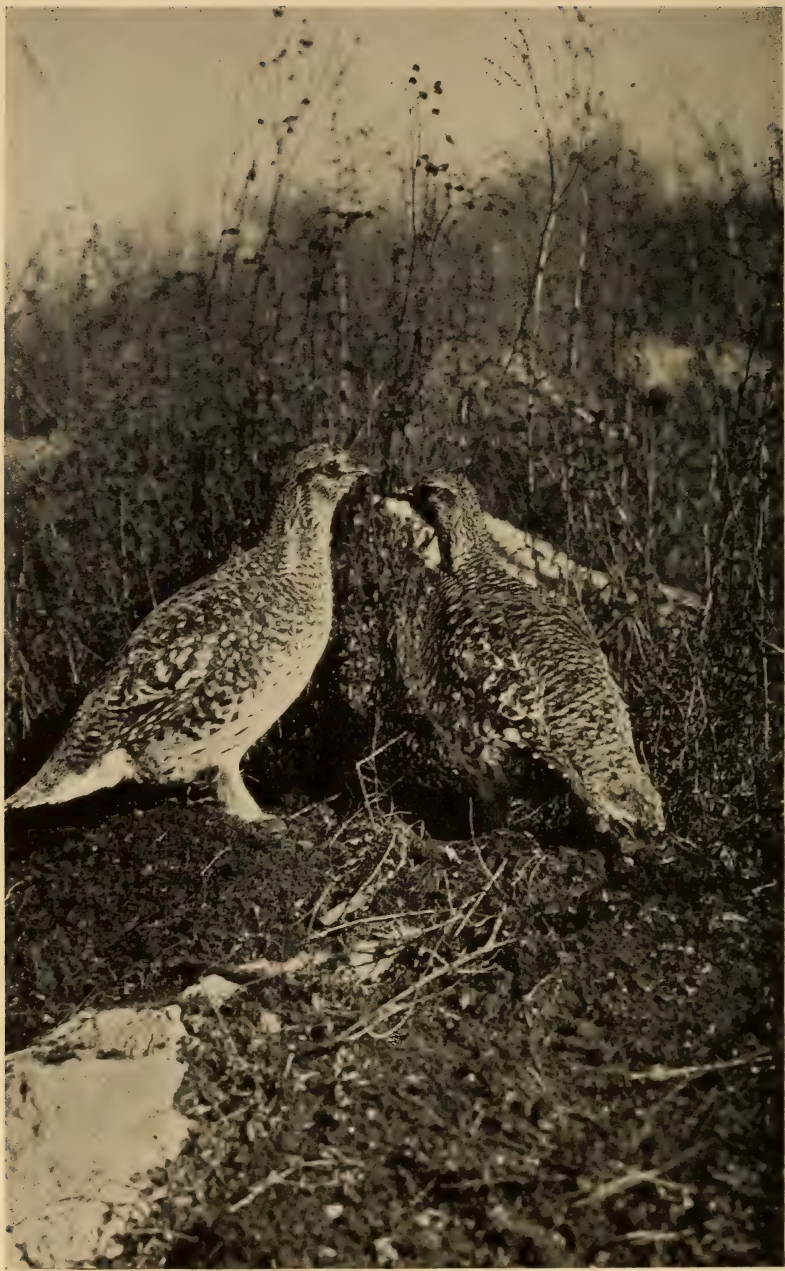
PART III.—OUR DRIVE FOR UPLAND GAME BIRDS BEYOND THE MISSISSIPPI

NEGLECT OF WESTERN GROUSE AND QUAIL; AND OUR SAVING CAMPAIGN

IN THE spring of 1915, it was borne in upon us that all the grouse species of the entire United States west of the Mississippi were in a dangerous state of neglect. The results of our trans-continental tour in 1915, fully confirmed that surmise. Even a brief survey of the field was sufficient to show that some of the state open seasons on the sage grouse were absolutely barbarous and inhumane, and other grouse species were faring no better. Nevada and Oregon began grouse-shooting on *July 15*, and Wyoming and Colorado on *August 1*, when it is well known that young grouse are only *barely able to fly!* And the enormous bag limits of six states, from 10 birds daily up to 25, notwithstanding the known scarcity of sage grouse, pointed straight toward extermination.*

Up to August 1, 1915, not one visible force of any kind was in the field, or at work anywhere, for the amelioration of the desperate condition of the sage grouse, pinnated grouse, sharp-tailed grouse, other grouse, ptarmigan and quail of the trans-Mississippi region. Imagine, if you please, the grouse and most of the quail of that vast western empire neglected, forgotten, and literally at the mercy (?) of a million gunners who know no such thing as mercy beyond the actual letter of the law, and often not even that! And this, too, in the face of the fact that even the great

* All the open seasons and bag limits on sage grouse are given in detail on pages 186-7 of the Bulletin Section of this volume.



SHARP-TAILED GROUSE

Believed to be now on the verge of extinction in the United States.
From "The Prairie Chicken", by J. P. Turner, Winnipeg, 1917.

majority of existing "protective" laws affecting grouse were ghastly failures through inadequate enforcement, and general unfairness to the birds.

The following is a list of the grouse of the western United States most urgently in need of protection:

SPECIES OF GROUSE THAT STILL SURVIVE IN THE UNITED STATES, FOR SOME OF WHICH BETTER PROTECTION HAS BEEN ASSURED.

SAGE GROUSE, or "SAGE HEN," (*Centrocercus urophasianus*)

Sparsely inhabits portions of South Dakota, Montana, Wyoming, Colorado, Texas?, Idaho, Utah, Nevada, Washington, Oregon and N-E. California.

PINNATED GROUSE, or PRAIRIE CHICKEN, (*Tympanuchus americanus*, and sub-species).

Still found in a few counties of Minnesota, N. Iowa, both Dakotas, Nebraska, Kansas, Oklahoma and Texas.

PRAIRIE SHARP-TAILED GROUSE, (*Pediocetes phasianellus campestris*).

Almost extinct! Small remnant flocks may yet be found in Montana, Wyoming, Idaho, Colorado and New Mexico.

COLUMBIAN SHARP-TAILED GROUSE, (*P. p. columbianus*).

Very rare and rapidly vanishing from Montana, Idaho, Washington and Oregon.

DUSKY GROUSE, (*Dendragapus obscurus*).

It may be looked for in S. Idaho, Montana, Wyoming, Colorado, Nevada, Utah, Arizona and New Mexico, but mighty few will be found.

GRAY RUFFED GROUSE, (*Bonasa umbellus umbelloides*).

Montana, Idaho, Colorado and N. Dakota. Rarely seen and little known.

OREGON, or SABINE'S GROUSE, (*B. u. sabini*).

Washington, Oregon and California,—where not already exterminated!

The whole situation was, and to a vast extent, STILL IS, an outrage upon the upland game birds; it is wholesale robbery of posterity, and a reproach to the people of the states concerned.

Up to August 25, 1915, so far as we know there was not one national game or bird protective association, not one state or county organization, not one state game commissioner or game warden, and not one newspaper or magazine, that was seriously endeavoring to alarm the public, and to secure better laws to protect the upland game birds of the West from complete extermination.

The sportsmen's magazines of the East confined their grouse and quail literature to beautifully illustrated and "snappily"-written stories of hunting and killing grouse and quail, without a serious proposition for their better protection,—so far as we observed.

If there was one single forceful influence at work for the grouse of the West, on August 20, 1915, we failed to discover it. The Permanent Fund decided to make an effort to arouse the people of the West, and if possible, bring about some sweeping reforms in the treatment of grouse and quail. It was perfectly evident that at the outset such an effort would come up against a Chinese wall of apathy, indifference, and other adverse influences, but there seemed to be only one course to pursue. Our campaign for game sanctuaries in national forests afforded an opportunity for an independent crusade for the saving of the upland game birds of the West.

OBJECTS OF OUR CAMPAIGNS IN EIGHTEEN STATES.

First—Long close seasons, to save the remnant flocks of grouse and quail from being quickly exterminated, according to law, by automobiles and guns.

Second—After recuperation, when a new and increased supply of birds warrants the re-opening of hunting seasons, the number of birds killed each year must be regulated by law, and strictly limited to insure a continuing basis.

Third—All protective laws for upland game birds must be thoroughly enforced, by law officers and by public sentiment.

The western grouse situation is now so critical we regard this campaign as virtually the last call to save a great bird fauna from quick extinction. We seek to save it from the fate that quickly overwhelmed and exterminated the eastern prairie chicken, in all localities save one.

We opened this campaign in Minnesota on August 27, 1915, at the organization convention of the sportsmen of that state, when the Minnesota State Game Protective League was formed. We demanded a 5-year close season for the pinnated grouse. Ever since that opening we have beaten the alarm gong for the grouse in every state west of the Mississippi, except Missouri and Arkansas.

We took 18 chances; and we have drawn 8 prizes!

The legislatures of eighteen states of the West have just closed their sessions of 1917, and the returns are in. In those states we prosecuted our campaign, first in our lectures, then through *Bulletin No. 5*, through the newspapers, and by encouragement of state workers. Each member of each legislature received a copy of *Bulletin No. 5*. Ever since August 27, 1915, down to April 15, 1917, we have done everything within our power and within our means to help secure results; and here is the summary of results:

STATES THAT HAVE RESPONDED TO THE CALL.

Utah.—Sweeping reforms enacted, covering sage grouse and other birds. (See page 103.)

Idaho.—5-year close season won for sage grouse. (See page 107.)

Nevada.—5-year close season given all grouse and mountain quail, and other important reforms effected. (See page 114.)

Washington.—The State Game Commission is given power to close shooting seasons on upland game birds wherever the birds are not increasing, or are threatened with extinction.

Iowa.—5-year close season won for prairie chicken, and for quail. (See page 109.)

New Mexico.—Sage Grouse and Bob White quail are protected by long close seasons.

Arizona.—Important new laws secured at the last general election, through the State Game and Fish Department's initiative.

Montana.—Sweeping reforms enacted, covering grouse and other birds. (Page 36.)

STATES THAT FIRMLY AND RESOLUTELY GO ON DESTROYING.

Wyoming.—A strong state campaign was defeated by a perverse legislature.

Texas.—A strong campaign, by Texans, was defeated.

STATES THAT COULD NOT BE AWAKENED IN 1917.

North Dakota.

Oregon.

South Dakota.

Nebraska.

Minnesota.

THE AWAKENING OF NEW MEXICO AND ARIZONA

I. NEW MEXICO.

ALTHOUGH New Mexico has long been ranked as a good game protecting State, so far as its laws and its State Game Warden and warden force were concerned, up to 1915 her work in game protection had almost wholly devolved upon her official protectors. The sportsmen and the stock-growers of the state had not yet taken up their share of the burden. The game then remaining was rapidly diminishing, through over-liberal game laws, overshooting, and other causes. Those game conditions prevail today in many other states, east as well as west.

On October 12, 1915, the members of the Albuquerque Game Protective Association were in a state of discouragement. The membership was small, the treasury was empty, and the outlook for the real perpetuation of game in New Mexico seemed very gloomy.

Into this situation came the U. S. Forest Service, and the Permanent Wild Life Protection Fund. The former had caused its field agent for wild life, MR. ALDO LEOPOLD, to make a careful survey of the game situation in New Mexico in order to ascertain what could be done by the Forest Service for the betterment of conditions. Much valuable information has been gathered and admirably set forth in a special handbook prepared for the use of the men of the Forest Service.

On October 13, the presentation of our plan for many game sanctuaries in national forests aroused new interest in wild life and awakened hope for the future. We urged

the formation of a state-wide game protective league, and offered financial aid from the Permanent Fund for preliminary expenses if that were done. Forthwith the sportsmen and the forest officers of Albuquerque, prominent among whom were MR. ARTHUR C. RINGLAND, the District Forester, PROF. JOHN D. CLARK, E. J. STRONG and RAYMOND B. STAMM, set to work to put New Mexico on the map of real game-protecting states.

In a remarkably brief time a comprehensive platform was drawn up and adopted, a thrillingly breezy quarterly journal called *The Pine Cone* was started, and a number of new local associations of sportsmen were organized. Each local association of the State, nine in number, adopted the standard platform, and each member solemnly pledged himself to live up to its requirements. The list of local associations is as follows:

Albuquerque Game Protective Association,
Sportsmen's Association of Southwestern New Mexico,
Silver City,
Santa Fe Game Protective Association,
Carlsbad Game Protective Association,
Magdalena Game Protective and Sportsmen's Association,
Roswell Game Protective Association,
Sacramento Mt. Game Protective Association, Cloudcroft,
Taos Game and Fish Protective Association,
Colfax County Game Protective Association, Raton.

In view of the value of the universal platform idea, it is well worth while to set forth that excellent instrument in full.

Common Platform of all the New Mexico Game Protective Associations.

1. We stand for vigorous and impartial enforcement of the game and fish laws.

2. We stand for federal control of migratory birds and prohibition of spring shooting.
3. We stand for co-operation with stockmen in a vigorous campaign against predatory animals.
4. We stand for an adequate system of Game Refuges.
5. We stand for such an increase in game and fish as will furnish legitimate sport for every citizen.
6. We are opposed in general to the public propagation in New Mexico of foreign species as a substitute for native American game.
7. We represent 1,000 members, each and every one pledged to observe the letter of the law and the spirit of good sportsmanship.
8. We are not in politics.
9. We stand behind every warden who does his duty.
10. We offer \$50.00 reward for information leading to the arrest and conviction of any person killing antelope, mountain sheep or ptarmigan.

The impelling idea of the 1,200 members of the New Mexico Associations is the awakening of hope that the State's remnants of game may be saved, and the various species finally brought back to a basis of legitimate sport.

To the surprise of many persons in the East, the cattle and sheep owners in New Mexico quickly joined the sportsmen in supporting the game sanctuary plan, and today they are working for its success. For example, MR. EDWARD M. OTERO, President of the New Mexico Wool-Growers' Association, has come out strongly in support of the Hayden bill.

Thanks to the stand of the stockgrowers of New Mexico, the fear once entertained that the men of the grazing industries would oppose the sanctuary plan has been totally eliminated from the situation. Today the only enemies of the sanctuary bills are a very small number of Congressmen who are not greatly interested in the stock-growing industries, and are believed to be thinking more about water power than grazing.

The combined sportsmen's associations of New Mexico now represent a powerful force for good; and not alone in New Mexico. Collectively, they are a bright and shining example for other states; and other states are now wisely seeking advice from New Mexico on how they may do likewise.

One point to be noted is the fact that the 1,200 members of the nine associations are *aggressive* advocates of protection; and besides supporting all great general movements, such as the federal migratory bird law and the treaty, they have individually pledged themselves *actively to assist in enforcing the game laws of their State!* So far as I am aware, *no* other state league of sportsmen ever has taken up the white man's burden to that extent. The Associations offer standing cash rewards for evidence that will lead to the conviction of offenders against important game laws, such as those protecting mountain sheep and antelope.

The quarterly journal called *The Pine Cone* is rendering great service in New Mexico and Arizona at very small cost. It has more red blood in its veins, and more "punch" in its text, than can be found in any other game protective publication known to us. Its coming is like a breeze through pine timber at an elevation of 9,000 ft., and it renews the courage of every worker who receives it.

The Permanent Fund has made good its pledge of financial assistance; and the investment made is paying large dividends. We only wish such an investment could be made in *each one* of about 30 other states that we would like to name. The cost would be \$500 per state; but where are the funds?

Mr. Leopold has shown what tremendously effective work a *forest* officer can do in promoting a real spirit of wild life protection when he is backed up by his superiors, and is given room in which to work. His writings in the wild life cause are wonderfully convincing documents, and deserve wide circulation. On the whole, we heartily congratulate the U. S. Forest Service on Mr. Leopold.

In 1917, the latest achievement of the New Mexico Association was a successful campaign to induce the newly chosen governor of New Mexico to select the next state game warden solely on a basis of special fitness and ability, and thereby take the whole business of game protection out of politics. This effort was completely successful. Governor Lindsey has actually appointed one of the candidates named by the Associations, Mr. Theodore Rouault, Jr. This takes the New Mexico Department of Fish and Game entirely out of politics.

The New Mexico Associations have rendered very great assistance in the game sanctuary campaign, and also in the defense of the federal migratory bird law and the international bird treaty.

The Pine Cone for April, 1916, opens with an article headed, "Our Deer Supply 900 per cent. short."

In 1915 the organized sportsmen of New Mexico declared unequivocally that if by any mischance the Hayden game sanctuary bill fails to become a law, it will be necessary to stop all deer shooting in New Mexico for a term of years, to save the deer from extinction. This view is forcibly sustained by the following figures based on the census returns of deer killed in New Mexico during the past two years:

"Albuquerque, February 8, 1916.—The number of deer killed in 1916 (618), is 5 per cent. less than in 1915, 40 per cent. less than 1914, and 7 per cent. less than 1913. It would seem therefore, that these figures indicate a steady decrease in the supply of deer."—District Forester REDINGTON.

In 1915, in the Carson National Forest, of a million acres, only 8 deer were killed, where there should have been 200 or more.

It is a pleasant diversion for a tired man to look at the map of the United States, and behold New Mexico shining like a star beside the dark and bloody ground of Texas, and

think that there, in the far Southwest, on the edge of the deserts, there are 1,200 red-blooded men who are unafraid, alert, and on guard in the defense of distressed wild life, determined that so far as in them lies all the wild life of their country and our country shall have a square deal. This means that the boys of New Mexico tomorrow will follow closely in the footsteps of the fathers of New Mexico of today. It is my prediction that New Mexico will bring back her big game, and that she will be the last of the western states to possess game on a basis of legitimate sport. If New Mexico does not win out on that basis, no other state ever will.

II. ARIZONA.

It should always be remembered that it was Governor GEORGE W. P. HUNT, of Arizona, who, first of all governors, endorsed the plan for game sanctuaries in national forests, now embodied in the Chamberlain-Hayden bills, and who by his own personal efforts secured the endorsements of *three* other western governors. From first to last Governor Hunt left no stone unturned to promote the game sanctuary cause. This was because he sincerely believed in the necessity of the plan.

The address of the campaigning trustee at Phoenix was given under the auspices of Governor Hunt, and it was arranged for and promoted by the State Game Warden's staff. Deputy Game Warden Pettis was the chief agent.

At Tucson our cause was warmly espoused by DR. R. B. VON KLEIN SMID, President of the University of Arizona, and by DR. D. T. MAC DOUGAL, Director of the Desert Botanical Laboratory. The evening lecture was given in the auditorium of the University; and no speaker ever had a more appreciative audience.

The Tucson Luncheon Club held a special luncheon for the consideration of the game sanctuary idea, and before it another address was delivered.

In 1915, we found Arizona with few wild life protective associations, and that the state game warden, Mr. G. M. Willard, lacked the support of the citizens, in the enforcement of the game laws, that he was entitled to expect and receive. At Phoenix we had a taste of the practical working of game laws without citizen support. It happened in this wise:

At a small town about five miles north of Phoenix, Deputy Game Warden Pettis and another warden arrested three residents for killing two female deer and a fawn contrary to law. The skins of all three of those victims had been seized, and were held in the town by the Justice of the Peace. I was asked to go out and inspect the skins, and express an opinion in regard to the sexes and ages. For the trip Governor Hunt placed at our disposal his own automobile, and the examination was duly made.

The identity of the fawn was beyond question, and the manner in which all evidences of sex had been removed from the other two skins was *prima facie* evidence that they were from female animals. Inasmuch as expert testimony was regarded as necessary in the case, we prepared, signed and swore to an affidavit covering all points, and left it with the Justice of the Peace.

When the trial came on the accused persons were all acquitted, on the ground that a deposition could not be accepted as evidence in a criminal case; and the three lawbreakers escaped without punishment.

In Arizona, chiefly through the missionaries of Albuquerque, four new game protective associations have been organized and set to work. They are modeled on the foundation lines of New Mexico's associations, with the same articles of faith. Geographically they are as follows:

Northern Arizona Game Protective Association, Flagstaff,

Tucson Game Protective Association, Tucson,

White Mountain Game Protective Association, Springerville,

Tonto Basin Game Protective Association, Payson.

In Arizona the deer situation is even worse than in New Mexico. "In 1916, the number of deer killed was 574, which is 46 per cent. less than in 1915, 35 per cent. less than in 1914, and 24 per cent. less than in 1913! *These figures indicate an alarming decrease in the deer supply.* They speak for themselves as to the need for more game protective associations, prompt establishment of game refuges, better laws, and above all better law enforcement."—(Redington.)

In Arizona it is generally reported that "the mule deer is disappearing, but the white-tailed species is holding up better." Long close seasons are advocated for the mule deer.

Arizona has no sage grouse, nor pinnated grouse; and their quail are sufficiently abundant that long close seasons do not at present seem necessary. Both Arizona and New Mexico absolutely protect mountain sheep and antelope, and are introducing elk to restock areas of elk extermination.

It is gratifying to announce that Arizona's Initiative Petition Game Law, drawn up by State Game Warden G. M. WILLARD, passed at the November election. It prescribes a 30-day season on deer, a one-buck limit, a 20-bird limit, and brings the wildfowl seasons into conformity with the Federal Migratory Bird Law,—all of which are changes of obvious merit.

THE GREAT VICTORY IN UTAH

THE following letter from MR. CLAUDE T. BARNES, of Salt Lake City, is so genuinely thrilling that it cannot be either paraphrased or suppressed:

March 13, 1917.

"Dear Doctor:

"Utah has responded!

"The bill signed yesterday is a triumph for conservation, and you may congratulate yourself on at last seeing some results in this state of your labors.

"The sporting fraternity has blamed the Legislature for listening to "naturalists," but we can bear that name if we enjoy the results. I believe Utah now stands at the head of the list in efforts toward the conservation of game.

"UPLAND GAME BIRDS ARE PROTECTED WITHOUT QUALIFICATION, with exception that the Commissioner may permit the shooting of pheasants, sage hens and quails in counties he may designate *when it is shown that these birds are increasing and are not in danger of being exterminated*. The old law gave an open season from about the middle of August to the last of October; so you will see that SAGE HENS AND GROUSE ARE AT LAST SAVED! The foolish law permitting the killing of mourning doves is also done away with.

"The law on ducks and geese remains the same. It is now unlawful at any time in this state to kill any birds, except ducks, geese, English sparrows, blue herons, "squacks," (*Botaurus lentiginosus*, I suppose) magpies, Cooper hawks and pelicans.

"No less encouraging is the big game provision. DEER, ELK, ANTELOPE AND MOUNTAIN SHEEP ARE PROTECTED WITHOUT QUALIFICATION, but after 1920 one deer may be killed between October 15th and 21st. Hunting with dogs at that time will be prohibited, and one caught with dogs will be fined from \$200.00 to \$500.00, or six months imprisonment.

"The game commissioner may acquire public hunting grounds, and may also designate game sanctuaries.

"All in all, the bill is a triumph! Just as soon as I can get a copy I will mail it to you, together with copies of the old law and I believe you will be most satisfied at our progress. It has been a long fight, and at times a discouraging one, and I am sure that the change never would have taken place without your untiring leadership."

As usual, our fellow-workers in the West give us more credit for our assistance than we deserve. Reduced to its lowest common denominator, it is *the men in the trenches* who win these victories! Let there be no mistake about that.

The great victory briefly but forcefully described above does indeed place Utah "on the map," in the foremost line of game protecting states. Think of it! At one grand stroke the sage grouse, the sharp-tailed grouse, ptarmigan, quail and deer are swept out of the list of killable game,—where they had been booked for extermination according to law,—and put in line for protection and increase on a continuing basis.

We believe that *it was all right* to give the State Game Commissioner power to open hunting, in given areas, when the game becomes sufficiently numerous to justify it. Having talked with a great many Utah sportsmen and game wardens, in 1915, I know well their anxieties regarding the future, and their fear that their deer and upland game birds were going to be exterminated. The people of Utah can be

trusted not to open shooting seasons until there is a good stock of game.

During the interval given by these close seasons, there will be time for all persons interested to study the situation, and devise regulations by which killing, when resumed, will be so regulated and controlled that the game birds will be treated as excuses for vacation days in the open rather than as so many pounds of meat on the table. The deer may indeed be treated eventually as a food supply.

We will not soon forget the warmth of the welcome that was given us in Salt Lake City, in September, 1915, by MR. BARNES and his co-worker, PROF. J. H. PAUL, of the University of Utah, joint authors of two fine conservation school books, "Western Natural Resources" and "Forest Groves and Canyon Streams."

And the support of the press of Utah for our game sanctuary cause was postively everything that heart could wish. The *Salt Lake Herald-Republican*, *Tribune* and *Deseret Evening News* devoted pages of text and pictures to our subject, and from that time down to the present they have constantly supported the whole game protection cause. Undoubtedly the recent triumph in the legislature is largely due to that generous and unstinted support.

The one fly in the Utah ointment is the tireless and implacable opposition of Senator Smoot to the game sanctuary bill in Congress.

UTAH'S IMPROVEMENTS, IN DETAIL.

Administration.—A commissioner, at a salary of \$2,400, with a four-year tenure of office.

Hunting License.—For males over 14 years, citizens of the United States and residents of Utah, \$1.25. Non-residents of Utah, \$6.00.

Upland Game Birds.—All protected permanently without qualification, except that the Commissioner may, at his

discretion, permit the shooting of sage-hens, pheasants and quail in counties he may designate when it is shown that those birds are increasing, and are not in danger of being exterminated.

The following species are included in the protection:

Sage grouse, pinnated grouse (or prairie chickens), blue grouse, willow grouse, and quail.

Lowland Game Birds.—Open season on geese and ducks, October 1 to December 31. (15 days *less* than allowed by the federal bird law!) Bag limits, 6 geese, 25 ducks. Sink boxes and similar blinds prohibited.

The dove, gull, all shore birds, and insectivorous birds generally are permanently protected.

Big Game.—Protected without qualification: Deer, elk, antelope, mountain sheep, otter and beaver. After 1920, one adult deer may be killed, but no fawns.

THE GREAT VICTORY IN IDAHO

A NOTABLE victory for the sage grouse and the other game birds has been won in Idaho, chiefly through the initiative and the hard work of three men, State Game Warden LEROY C. JONES, DREW W. STANDROD, JR., of Pocatello, and Representative C. S. MOODY, of Hope. It may well be taken as an example of what three determined men can accomplish when they are sufficiently aroused and determined. Incidentally, it was a great joy to find that the hand of Good Fortune had placed our old friend, Dr. Moody, lover of birds, in the Idaho legislature just when the birds of Idaho most needed him.

When we took our two causes, game sanctuaries and long close seasons for sage grouse, to Idaho in September, 1915, blind fate led us to Pocatello. The reason why we chose to go there instead of to Boise is wanting! And fate and Dr. O. B. Steely led us to Mr. Standrod and Mr. R. H. Palmer, two young lawyers, interested in everything likely to be of benefit to Idaho and its game. Through Mr. Standrod the editor of the Pocatello *Daily Chronicle* was moved to espouse our cause, and (very generously) to print seven of our news articles during the seven days preceding our arrival.

Later on, MRS. D. W. STANDROD, SR., and MRS. A. M. NEWTON prepared a petition to Congress in behalf of the game sanctuary cause, procured 183 signatures, and sent it with their compliments to the Idaho delegation in Congress. On the day of our lecture young Mr. Standrod received notice of his admission to the bar.

The new Attorney at law at once decided that it was his duty to make an effort to save the sage grouse and quail of Idaho, by securing for them long close seasons. He drafted a bill to accomplish that, and also to make various other im-

provements in the game laws of the state. His bill was introduced in the State Senate by Senator B. A. CUMMINGS. Eventually it was attached to Mr. Jones' omnibus bill, which was well supported by the Fish and Game Committee of the House.

With reckless confidence sufficient to queer any game bill on earth,—by challenging Fate,—Mr. Standrod declared that his sage grouse measure could and "would" be passed! With the exception of his automatic and pump-gun paragraph it was passed. The omnibus bill was passed by the Legislature, and these are a few of the things that it does:

It protects sage grouse, absolutely, until July 15, 1922!

It protects quail until 1920.

It reduces the bag limit on ducks from 24 to 12 birds, and geese from 4 to 2.

The nests and young of all game birds are protected.

The bag limit on deer has been reduced to one buck, (50 per cent.).

The bag limit on elk has been reduced to one.

The regulations of the federal migratory bird law were adopted as State law in Idaho.

I commend the above list of things accomplished for wild life to all western states. And I commend the saving of the sage grouse to other young lawyers of America, just out of college, and ambitious to do a good citizen's duty. The personal equation in this victory is not to be ignored. In Mr. Standrod, the wild life of Idaho has acquired a new champion whose influence will go far toward protecting and increasing the game of that state, and also toward *preserving legitimate sport with the gun.*

THE BATTLE AND THE VICTORY IN IOWA

THE fiercest state fight of 1917 was for saving grouse and quail, in Iowa, and it closed on the night of April 5. After a four-hours' struggle in the Senate over the Turner bill to give quail a five-year close season, and stop their extermination, the defenders of the birds won a very decided victory, and clinched it. At the same time the McFarlane prairie chicken bill was passed. The quail bill won out by a vote of 35 to 14, and the prairie chicken bill by 42 to 1. In the House of Representatives the votes were, for quail 61 to 32, and for prairie chicken, 69 to 33.

The active fighting for the quail and grouse was started by the *Waterloo Evening Courier* and its editor; and it quickly enlisted college professors, editors, farmers and legislators, to a very promising extent. Heretofore Iowa has not stood well in game protection, but that bad record has been wiped out, and Iowa is now "on the map." The following are the leaders in the recent fight, and the men who worked hardest to place her there:

LEADERS OUTSIDE THE LEGISLATURE.

DR. T. C. STEPHENS, Morningside College, Sioux City, Iowa.

JOHN C. HARTMAN, Editor *Waterloo Evening Courier*.

PROF. G. B. MACDONALD, Iowa State College, Ames.

DR. B. H. BAILEY, Coe College, Cedar Rapids.

W. F. PARROTT, Waterloo.

PROFS. C. C. NUTTING, and HOMER R. DILL, Iowa State University.

PROF. L. S. ROSS, Drake University.



THE SENATOR RECEIVES A DELEGATION OPPOSED TO THE QUAIL BILL
Cartoon by W. A. Ireland, in the Columbus (O) Dispatch.

CHAMPIONS OF THE BIRDS IN THE LEGISLATURE.

Representative FRED G. TURNER, of North English.

Representative ARCH W. MCFARLANE, of Waterloo.

Lieut-Governor E. R. MOORE.

Senator O. A. BYINGTON, of Iowa City.

Senator W. T. EVANS, of Parkersburg.

Senator D. C. CHASE, of Webster City.

Senator HERBERT I. FOSKETT, of Shenandoah.

Senator HENRY W. GROUT, Waterloo.

And there were others!

Among the newspapers that rendered great service were the *Des Moines Register*, *Waterloo Courier*, *Successful Farming*, *Sioux City Journal* and *Cedar Rapids Republican*. A great hit was scored by E. T. MEREDITH, Editor of *Successful Farming* (Des Moines), who adapted to Iowa and republished in handsome form the remarkable and powerful cartoons by Ireland, which appeared in February in the Columbus, Ohio, *Evening Dispatch*, in behalf of quail protection, and really swept the organized sportsmen of Ohio off their feet! Mr. Meredith sent those cartoons to every member of the Iowa legislature, and they surely must have made a profound impression.

The fight in Iowa was precipitated by the astounding course of the State Game Warden, E. C. Hinshaw, who in 1915 killed a bill for a quail close season when it was half way through the legislature. He should then have been removed from office. He led the fight on the Turner quail bill, and was backed by the same kind of "sportsmen" as those who would not give up spring shooting until the federal migratory bird law was forced upon them, and even then refused to agree that the Iowa state bird laws should be made to conform with the federal regulations.

Both in the State Capitol, and through the State, Mr. Hinshaw was strongly denounced, as recreant in one of his most important duties to the game of the state.

At last Iowa is on the map! We salute the men, the colleges, the newspapers and the legislators who put her there. We do not believe one word of the opposition talk that "Now that the sportsmen can't shoot quail, they will take no interest in feeding them, and protecting them." We believe that talk like that is nonsense. In Iowa, and Ohio, too, it is *not* the "sportsmen" (who live *chiefly in cities and towns!*), who feed and protect the quail. *It is the farmers who do that!* The farmers are beginning—at last—to recognize the cash value of quail as destroyers of destructive insects and weeds.

Of the many letters that were published in Iowa newspapers in defense of the quail and chicken, we must reproduce two. On another page will be found a long one by Leroy Miller, of Albia, entitled "The Game-Shooters' Plea," which deserves to go permanently on record.

Through the misuse of the name of John Burroughs as that of an alleged backer of Hinshaw, the following appeared in the *Des Moines Register* of March 24:

John Burroughs For the Quail

WEST PARK, N. Y.—To the Editor: I wish to inform you that the use of my name by Dr. Akers, on March 11, in support of the game warden, Hinshaw, was wholly unwarranted and unjustified. I have just learned of the matter and am indignant at such an unauthorized and untrue proceeding. Furthermore, I am very strongly in favor of stringent measures being taken to save from extermination the remaining quail and prairie chickens of Iowa, which can only be accomplished by the enactment of the Turner and McFarlane bills to give these birds five years closed seasons for recuperation.

JOHN BURROUGHS.

In conclusion, we point once more the value of collegiate support in fighting the battles of wild life. The presidents of Morningside College, the Iowa State College, Coe College, Drake University and the Iowa State University have now the satisfaction of knowing that the work of their biologists helped to save two valuable bird species of the avifauna of Iowa, they helped to redeem the good name of the state, and they reflected credit upon the institutions they represented.

The "sportsmen" (?) of Iowa, who persistently opposed the 5-year quail law, were led by Mr. E. C. Hinshaw, the state game warden, who killed a good quail bill two years ago, and who is said to hold a patent of respectability and

efficiency as a conservationist from an eastern game protective organization. That "certificate of merit" plants Mr. Hinshaw still more firmly in the public eye, and therefore we reprint below an editorial that appeared in the *Sioux City Tribune*, of April 3, 1917:

TINAN ON HINSHAW

Iowa's game "protection" department, which gives employment to five members of the Hinshaw family, and which has been using its influence to keep the state legislature from adopting measures to protect quail for a term of years, does not arouse a great deal of enthusiasm among the genuine sportsmen in neighboring states. One special cause of criticism is the refusal of the Iowa department to back up the federal government's closed spring season on ducks and geese.

Editor Clate Tinan, of Kimball, S. D., who is the acknowledged hunting and fishing authority of that state, says in a recent issue of the *Kimball Graphic*:

"There is a rich opportunity in that state (Iowa) for the federal wardens, and for all that anyone knows they may have already secured enough evidence to convict a lot of the game hogs. The federal law provides that prosecutions may be made at any time within three years. The *Sioux City Tribune* recently called attention to this part of the law, and in so doing incidentally gave the state game warden a dig in the ribs.

"And by the way, if there are arrests for spring shooting on the part of the federal wardens this same E. C. Hinshaw should be pulled along with the others for an accessory before the fact. A man of his sort that will shut his eyes to what is going on in Iowa in violation of the federal migratory game law and by so doing countenance spring shooting, ought to be put out of office, and in a hurry at that. The state fish hatchery at Spirit Lake has been taken out of his hands, and it is time that all the work of conserving the fish and game of that state was also removed from his influences. The legislature of the state is now trying to get bills through making a closed season of five years on prairie chickens and quail, but Hinshaw's backers are trying their level best to defeat both of them, claiming among other things that it would cut out a large revenue from licenses. The Iowa game fund from licenses now is so large that they don't know what to do with it, and thousands of dollars of it is turned back into other funds annually."

As previously pointed out by *The Tribune*, states should differentiate between actual game protection and the mere assembling of license funds in order to finance political lieutenants. The two subjects are so clearly opposed in many respects that it is highly ridiculous to administer them under a common head. With all due respect to the rights and wishes of hunters, the people of Iowa want genuine game protection.

THE ADVANCE OF NEVADA

QUIETLY, unostentatiously, but most thoroughly, the state of Nevada has set her house in order, and achieved a place in the foremost ranks of game-protecting states. Before "the East" was aware of the fact that sweeping improvements were impending, they were an accomplished fact. Our only part in the campaign consisted in the usual sending of literature at the beginning of the legislative session, to legislators, newspapers, and picked citizens. It was the right influences *within* Nevada that did the work.

The new law declares that it shall be "unlawful" to "injure any grouse or mountain quail before the first day of September, 1922."

If the English language still means what it says, this means that in Nevada sage grouse, sharp-tailed grouse, dusky grouse, "prairie chickens" and mountain quail are absolutely protected for five years; which is indeed glorious.

We had been worried about Nevada's open season on antelope. But we worry no longer.

Mountain sheep, goat and antelope are absolutely protected at all times until 1930! The sale of game is prohibited; and the new state laws protecting birds are made to conform with the federal regulations for the enforcement of the migratory bird law.

A GREAT REFORM LAW IN OKLAHOMA

ON MARCH 28, 1917, Governor R. L. Williams of Oklahoma signed two new game and fish laws, which represent nothing more nor less than a sweeping reform in the wild life laws of Oklahoma. During the years 1915 and 1916, the citizens of Oklahoma became thoroughly conscious of the fact that the wild life laws of the state were seriously defective, and that the game of the state was rapidly vanishing. The new laws represent changes for the better that mark the beginning of a new era, and the news will be gratifying to every citizen of the state most concerned. Incidentally, the new acts may be set forth as an example to many other states that we could name if time permitted.

Briefly summarized, the things accomplished are as follows:

State game sanctuaries.—"The State Board of Public Affairs is authorized to purchase or acquire not less than four game preserves, either from individuals or the United States government, and to acquire title to such preserves in the name of the state of Oklahoma." For the purpose of accomplishing this, the State Treasurer returns to the State Board of Public Affairs the sum of \$94,197.10 borrowed from the game protection fund in 1913, for use in the construction of the new Capitol building.

It is provided that these four preserves "shall be acquired in different portions of the state, so as to be maintained as places not only to propagate and preserve game animals and birds, but also to serve as places of refuge for the same." Naturally, all hunting is strictly forbidden on those preserves.

The act, approved March 28, provides that "It is hereby made the duty of all sheriffs, deputy sheriffs, constables,

deputy constables, city marshals and policemen in the state of Oklahoma to diligently enforce the laws for the protection of game and fish; and the officer making the arrest shall receive in addition to the fees usually received by such officer 50 per cent. of the fine collected for the violation of any of the game laws of the state. Any officer who shall knowingly countenance or permit the violation of any of the said laws shall be subject to removal from office."

The act provides for five-year close seasons for the following species of mammals and birds:

Deer, antelope, otter and beaver; turkey, pheasant, prairie chicken, curlew, wood-duck, crane, pelican, gull or heron; all insectivorous birds according to the terms of the federal law.

Bears are given a five-year close season in Comanche, Caddo, Kiowa, Major and Blaine counties.

The bag limit on quail is reduced to 15 per day; and December is the only month in which quail may be shot.

The act of March 4 closes the state to "The importation, sale or possession for sale, of aigrettes, egret plumes or so-called osprey plumes, and the feathers, quills, heads, wings, tails, skins, or parts of skins, of wild birds, either raw or manufactured, and not for scientific or educational purposes; but this provision shall not apply to the feathers or plumes of ostriches, or to the feathers or plumes of domestic fowl of any kind."

For this monumental result in Oklahoma we know that State Game and Fish Warden JOHN CHENOWETH is entitled to great credit; and we also know that the following persons and organizations strenuously worked to achieve the victory that has been obtained:

S. H. HARRIS, President of the Oklahoma Game and Fish Protective Association, proposed the mandatory protection of birds and game by every civil officer of the state.

FRANK RUSH, Forest Supervisor of the Wichita National Forest and DR. H. H. LANE, of the University of Oklahoma,

representing the Oklahoma Academy of Sciences, strongly advocated a five-year close season on wild turkey, prairie chicken, otter and beaver, and secured those results.

Senator J. ELMER THOMAS, Chairman of the Senate Committee on Appropriations, is responsible for the law which now enacts in the state of Oklahoma the provisions of the United States tariff law to prevent the importation, possession for sale and sale of wild birds' plumage for commercial purposes.

The *Daily Oklahoman* newspaper, of Oklahoma City, constantly championed the cause of better wild life laws for the state of Oklahoma, in which SUMNER T. BISBEE exerted an important editorial influence.

During the past four years the Permanent Wild Life Protection Fund has been in close touch with the situation in Oklahoma. While sending forth exhortations for the improvement of conditions that there existed during the past four years, we have also recorded such criticisms as the status of wild life in that state seemed to require.

A NEAR VICTORY IN MINNESOTA

AFTER twenty years of too-liberal game laws, too many lawless aliens, and far too much game slaughter, we find Minnesota on the straight road that leads to real game conservation. During the years 1912, 13 and 14, the amount of persistent lawbreaking in northern Minnesota, chiefly by Austrian and Scandinavian settlers and lumbermen, was positively appalling. The devilish persistence with which they kept up illegal killings of all kinds, in spite of abundant arrests and fines, was fairly maddening.

The chief trouble lay in the fact that the State Game Protection Department was not sufficiently backed up by public sentiment, and the public seemed to feel that all protecting and detecting should be done by the regular wardens.

Our first stop on the western tour was at Minneapolis, on August 27. We found the Minnesota Game and Fish Protective League a very strong and effective organization, flushed with its great victory in creating the Lake Minnetonka Game Refuge. That sanctuary, in which all shooting is forever barred, embraces all of Lake Minnetonka and its environs, with a total area of 64,000 acres. In the campaign for this sanctuary the association raised and expended over \$5,000. The officers who led in this work were:

CLINTON M. ODELL, President;

FRANK D. BLAIR, Field Superintendent;

WALTER EGGLESTON, Chairman of the Minnetonka
Refuge Committee.

The next important action of the League, after the founding of their game sanctuary, was to call a convention of Minnesota sportsmen to assemble in Minneapolis on August 27, and organize a state League. Our appearance was timed to meet that convention, and the occasion was one to

be remembered. At a luncheon at which about 150 sportsmen and business men were present, the representative of the Permanent Fund made an address on the present status of wild life, and the duty of Minnesota in the immediate future. Our plan for game sanctuaries in national forests was fully set forth, and it met with cordial and unanimous support.

Concerning the duties of Minnesota, we made a strong appeal for the saving of the fast disappearing pinnated grouse, or prairie chicken, which appears to be plentiful in one locality only, and elsewhere is growing alarmingly scarce. The demand was made partly in behalf of the preservation of the fine sport of chicken-shooting from the extinction which threatens it, and the assembly was warned that it must at once choose between a close season of five years or one for 500 years.

The meeting was by no means wholly convinced of the soundness of our argument, or the urgency of the case. Many of our hearers then thought a long close season was unnecessary; and no action was taken.

But mark the result.

No sooner had the autumn prairie-chicken season opened and gotten fairly under way, than from all over the state there began to come alarming reports of great scarcity in birds! The press commented upon it, and the *Minneapolis Journal* inaugurated a vigorous editorial campaign for the proposed close season, which has been continued down to date most convincingly. The editor specially active in this cause is WINTHROP B. CHAMBERLAIN.

Finally, in 1916, at the first annual convention of the State League, after full consideration a resolution was adopted, by a large majority vote, declaring for immediate action by the next legislature for a five-year period of rest and recuperation for the harassed and decimated pinnated grouse.

The state League was duly organized on August 27, and christened the "Minnesota State Game Protective

League." Its officers today are Clinton M. Odell, President; Charles D. Velie, First Vice-President; C. E. Wales, 2nd Vice-President; Perry Harrison, Treasurer, and Frank D. Blair, Secretary.

A good campaign was made in Minnesota for a three-year close season on prairie chickens, and other improvements, but the legislature failed to provide the period of immunity from slaughter that is so necessary for the recuperation of that species. However all is not lost; and two years from now the legislature may possibly do better by the pinnated grouse,—in case any then remain alive!

Even though falling short on the close season, the legislature did improve conditions very materially. The following is the last word from MR. FRANK D. BLAIR, Field Superintendent of the Minnesota Game Protective League, dated March 26, 1917:

"Yours of the 22nd instant at hand. The bill covering game birds became law on Saturday. It places a three-year closed season on ruffed grouse. It cuts the open season on prairie chicken or pinnated grouse from eight weeks to two weeks, and cuts bag limit from ten in one day to five, number in possession from thirty to twenty with a season's limit of thirty. There has never been a season limit in Minnesota before. Sharp-tailed grouse, same regulations as pinnated. Quail season shortened from eight weeks to four weeks, bag limit ten in one day or same as before, number in possession cut from thirty to twenty with a season limit of thirty. Season on aquatic fowl cut down a few days, opens September 16th, instead of September 7th, and closes December 7th.

"Nothing was done for deer or moose, excepting that only one or the other may be killed, but not both.

"The alien gun bill passed the House on Saturday, and it is expected it will get through the Senate. It was defeated in the House last session. It prohibits aliens from owning firearms.

"The bill protecting bear will go through, as far as we know now. Bear were placed in a bill with the protected fur-bearing animals, by the Commissioner."

GAME PROTECTION IN COLORADO

THE reception of the Fund's missionary in Denver was in every way in keeping with a state and a capital famous for its hospitality, and for its protection of wild life. It is to be remembered that Colorado was the first state to accord a perpetual close season to mountain sheep (28 years ago), and the first state to adopt a tagging system for the sale of game bred in captivity. The movement for "more game" by game breeding originated in that state.

The game situation in Colorado may well be cited as an example of our far-too-liberal American laws in the taking of game. Colorado was early in the field for the protection of her wild life; she passed what seemed to be excellent laws; she has had good game commissioners and game wardens, and there has been by no means any more than the usual amount of unlawful killing that occurs in the thinly-settled portions of Rocky Mountain states.

And yet, in spite of all this, Colorado's big game, so far as hunting is concerned, has gone down and out! The rifles and hunters have shot down the game, according to law, so rapidly and so thoroughly that Colorado has been compelled to shut down on one species after another, beginning with the buffalo and ending with the deer. Now, *not one species of big game may be hunted in Colorado!* And this in a grand mountain state once literally teeming with big game! The bison is quite extinct, and you may not hunt elk, sheep, antelope, moose, mule deer or white-tailed deer,—nothing in fact but introduced pheasants, grouse and rabbits, and wild-fowl and six species of shore-birds, when any can be found.

Is it not deplorable?

But the situation has redeeming features. Colorado is slowly bringing back some of the big game. Her mountain sheep have been *really* protected by everybody, for 28 years; and *they have come back*, until now there are more than 7,000 of them! Is it not a great triumph? They form one of the most interesting show features of Colorado; and in winter the herds come down into the streets of Ouray, and fearlessly eat the hay of the admiring populace. As an object lesson in bringing back big game, it is valuable to the world at large.

The cordial welcome extended by Colorado to the game sanctuary plan never should be forgotten.

The press and the people accepted our mission seriously, and the attention devoted to it was profoundly gratifying and encouraging. The newspapers,—particularly the *Denver News*, *Post and Times*, and *Colorado Springs Gazette*,—set forth our cause very liberally in word and picture. Our lecture was delivered to a crowded house at the auditorium of the Colorado Natural History Museum.

In order to afford an opportunity for a full discussion of the subject, a dinner was given at the Brown Palace Hotel, under the joint auspices of the Colorado Mountains Club and the Museum of Natural History. Of the 35 persons present, each one was called upon to express his views; and there was not one dissenting voice to the proposition of the toastmaster,—that game sanctuaries in national parks now are very necessary, and should be made on a liberal scale.

A map of Colorado and Wyoming was submitted by Mr. Smith Riley, U. S. District Forester for Colorado and Wyoming, showing tentatively the views of the Forest Service regarding suitable opportunities for sanctuaries in those two states. The maps were closely scrutinized, and even the critic most to be feared joined with others in an expression of approval.

Through the kindness of Mr. William C. Bradbury, an ardent wild life protectionist, an automobile trip was made

through the national and municipal forest above and beyond Manitou, where the City of Denver has recently purchased 5,000 acres of mountain-park lands, as a playground and free resort for her citizens. It is a novel and admirable idea, and the beauty of the park insures the success of the foundation.

A tour of 40 miles was accomplished, and in all that distance we observed only 7 wild birds, all of small size, and one wild animal,—a chipmunk. In the municipal park a herd of elk and a herd of buffalo have been installed in large pasture ranges enclosed by wire fences.

The following gentlemen of Denver have particularly espoused our game sanctuary cause, and are constantly working for its success:

WILLIAM C. BRADBURY, Railway Contractor;

JOHN D. FIGGINS, Director of the Museum of Natural History;

JAMES GRAFTON ROGERS, and ROGER W. TOLL, President and Vice-President of the Colorado Mountains Club;

E. R. WARREN, Colorado Springs, and

W. F. KENDRICK, the pheasant breeder.

On the whole, the support of our cause by the citizens of Colorado is everything that we could possibly ask; but naturally we regret the opposition of one of the Senators from that state, on "state rights" grounds.

Our appeal for the saving of the sage grouse and other grouse, and quail, of Colorado unfortunately bore no fruit. No members of the legislature of 1917 seemed disposed to take up the matter and introduce the necessary bills; so in Colorado the sage grouse chicks may be shot practically as soon as they are able to fly (August 1), and the earnest warning of Mr. Bradbury goes unheeded.

IMPERVIOUS TEXAS

EVER since the legislature of 1913 so outrageously mistreated the wild life cause as represented by the bill of HON. CHARLES H. MILLS, of Corsicana, we have kept an eye on Texas. The Mills bill was double-crossed, in a manner openly denounced by its sponsor as grossly unfair, by the promoters of pump and automatic shotguns. The legislature of 1913 acted so badly that no wild life legislation was enacted during that session.

On December 1, 1916, the wild life laws of Texas left very many things to be desired. For example:

Her hunting-license law was a farce and disgrace.

The revenue from licenses to hunt was negligible, and worthless as a factor.

There was no force of regularly paid wardens.

There was hardly a serious pretense of protecting Texas game.

Lawlessness was said (by Texas people) to be rampant.

Texas photographs showed a horrible butchery of game.

Texas quail were being exterminated at a rapid rate.

The use of automobiles in hunting had become a deadly scourge.

Sportsmen were devoted to the pump and automatic guns.

The whole game situation was worse in Texas than in the worst state elsewhere. But despite all this, there were in Texas, and there are today, a host of high-minded, conscientious men and women who believe in conservation, believe in the preservation of legitimate game hunting, who

believe in giving the boys of Texas a square deal, and who hate slaughter. I mention here the valiant leader, MR. H. P. ATTWATER, of Houston, who for many years has fought persistently to make bad things good. I mention HON. CHARLES H. MILLS, of Corsicana; HON. CHARLES B. METCALFE, of San Angelo; MRS. MAUDE H. GERHARDT, of Corpus Christi, of the State Federation of Women's Clubs, and HON. R. L. CARLOCK, of Forth Worth.

For Texas we prepared a large poster, entitled, "What is the matter with Texas?" We illustrated it with Texas pictures of game slaughter, and we printed and circulated 2,500 copies. On dates suitably chosen this document was sent to all members of the new Texas legislature, to 450 newspapers, 350 postmasters, also to a great number of prominent citizens, both friends and foes of wild life.

The first session of the Texas legislature adjourned without having done anything whatever for the benefit of the wild life of the state except to give a 25-year close season to its very small remnants of mountain sheep and prong-horned antelope. An extra session has been called to convene on April 15, and of course there is a possibility that something more may be accomplished at that session.

Referring to the previous session, it is stated by a member of the legislature that "the 7,000 powder and shot gun sellers were able to prevent us from getting a game protection bill through." This means that all upland game birds are to be shot as usual, not even the quail being protected.



DR. C. GORDON HEWITT

Dominion Consulting Zoologist, Ottawa.

Member and Secretary of the Canadian Government's ADVISORY BOARD ON WILD
LIFE PROTECTION. Dr. Hewitt has become a powerful factor for the
advancement of wild life protection throughout the
whole Dominion of Canada.

PART IV.—THE MIGRATORY BIRD TREATY

THE STORY OF THE MIGRATORY BIRD TREATY WITH CANADA

WHEN satisfactory enabling acts have been passed, the international treaty with Canada will afford ways and means for the adequate protection of about 1,022 species and sub-species of North America's most valuable birds, from the Rio Grande and the Gulf to the North Pole.

The long arm and the strong grip of a thoroughly constitutional federal act will have about 100 times the dynamic force of the state laws of a number of states that we could name. An inexorable federal law, which hales every offender to a strange court, before an unsympathetic judge and a perfectly hopeless foreign jury, is a combination that no law-breaker can make light of,—at least *not more than once!* In federal cases, the chummy judge and the sympathetic jury ready and eager to acquit, are appallingly absent.

With the passage of an enabling Act to carry out the terms of the treaty, and an annual appropriation of at least \$200,000 for enforcement in 48 states, the protection of our best birds becomes a ten times more easy matter than ever it was before this time. The weaknesses of the present migratory law, passed as an unsteady bareback rider upon an agricultural appropriation bill, have many times been pointed out by the enemies and detractors of the law. In this connection we particularly recall Judge D. C. Beaman, of Denver; Harry Chase, E. T. Grether, A. D. Holthaus and J. H. Aldous. This old law was fatally and exasperatingly defective in not providing authority to search and to arrest, without a warrant, and in other vital points. We knew that

the law was weak, that its provisions sometimes could be defied, and that something must be done about it, even if it is ever so constitutional.

NECESSITY FOR A TREATY POINTED OUT EARLY.

The ink on the President's signature to the McLean law was not more than dry when Senator ELIHU ROOT suggested that the most complete way to protect the migratory birds would be through an international treaty with Canada. On Jan. 14, 1913, he introduced a Senate resolution to that end. That resolution was very brief, but to the point. It merely called for the making of a treaty. In April, that resolution, slightly changed, was reintroduced by Senator GEORGE P. MCLEAN, and the Root resolution disappeared.

I have seen a copy of a strong letter, written immediately after the adoption of that resolution, by President Wilson to Secretary Bryan, calling his attention to the Senator's call for a treaty with Canada, and expressing the hope that such a treaty could be negotiated without delay.

A treaty was drafted and placed in the hands of the British Ambassador for transmission to Canada. It provided practically the same measures for the protection of migratory birds that had been extended to the birds of the United States and Alaska under the terms of our federal migratory bird law.

In the winter of 1914, MR. JOHN B. BURNHAM and MR. W. S. HASKELL, respectively President and Counsel of the American Game Protective and Propagation Association, went to Ottawa to urge the desirability of the treaty upon the attention of the Canadian government officers most able to promote its progress. Other persons interested in the progress of the treaty refrained from personal campaigning in Canada, in order not to interrupt or conflict with the work being done by Messrs. Burnham and Haskell. At the same time, efforts were made by correspondence to supplement the work being done on the spot at Ottawa by the American representatives.

It was necessary for the Canadian general government to take up the matter of the treaty with all the various provinces, and secure the adhesion of each one. While this was in progress, there was little that could be done by the United States; and presently the progress of the campaign for the treaty was lost to view.

After a lapse of several months, inquiries regarding the treaty elicited in America a statement that "The treaty is in London, in the British Foreign Office; and you must write to all your influential friends in England, and request them to help it along." We wrote, as suggested; and in due course of time our friends replied:—"The treaty is not in our Foreign Office, and never has been." And that rather mortifying information proved to be quite correct.

Shortly after the outbreak of the European war, a letter from a Canadian correspondent stated that "nothing can be done by Canada about the bird treaty until after the war is over." At that time it seemed that the conflict might reach a conclusion in a few months.

Month after month slipped by without a word regarding the treaty. At last we learned that Canada was willing to negotiate the treaty without waiting for the end of the war. At the same time that bitter attacks were being made upon the federal migratory bird law, in Missouri and elsewhere, the situation was aggravated by a case started in an unwise way, at an inopportune time, in the eastern district of Arkansas, to test the constitutionality of the migratory bird law. If ever a great matter was handled in an inadequate way, that prosecution of the Shauver case in the Missouri court was so managed.

During the year 1915, the status of the migratory bird law steadily grew worse. While the great mass of respectable sportsmen of the United States cheerfully and gladly obeyed all its regulations, both letter and spirit, as being for the general good of all, there were many others who either secretly or openly violated them. Some particularly

offensive persons, in defiance of all gentlemanly ethics and common decency in sport, brazenly informed the officers of the government that they had broken the law, and courted arrest and trial. Much of the history of such cases is set forth in the columns of the *Sportsmen's Review*, for 1914-15.

In January, 1916, the need for the treaty had become really urgent. We decided to go after the document, wherever it might be, and see what could be done about accelerating its progress.

By a fortunate circumstance it was about that time that we came in touch with DR. C. GORDON HEWITT, Dominion Entomologist of the Canadian Department of Agriculture, and a powerful factor in the protection of wild life in Canada. He assured us that Canada was quite ready to ratify the treaty, and that as a matter of fact Canada had tentatively approved the document, and had sent it to the United States for some slight alterations that were rendered necessary by the attitude of British Columbia and Nova Scotia. In due course of time Dr. Hewitt furnished us with the date on which the treaty had actually been sent to Washington! That date was June 7, 1915, and it was then February 4, 1916.

For a period of nine months the treaty had absolutely been lost to view!

The Campaigning Trustee made a hurried trip to Washington. Beginning at the Capitol, it was quickly ascertained that the treaty never had reached the Senate Committee on Foreign Relations. At the Department of Agriculture nothing was known of it, but it was believed to be in the State Department.

At the State Department the treaty was not in hand, and a search of the files quickly revealed the fact that it had not even been heard of during the previous 18 months. It then seemed probable that the document was at the British Embassy.

A visit to the Embassy quickly brought about the discovery of the missing treaty. Owing to a clerical accident

the document had been filed, when it should have been forwarded to the State Department, nine months previously. The delay was purely accidental, and all the while the Secretaries of the Embassy had believed that the treaty was in our State Department.

The resurrection occurred on February 12, 1916; and from that date onward not a single hour was lost. The treaty went forward with railroad speed. It went to the State Department, to the Department of Agriculture, back to the State Department, back to Canada, back to British Columbia,—carried by Dr. Hewitt himself,—and back to the United States in its final form.

On August 16, 1916, it was signed at the State Department by Secretary Lansing and Ambassador Sir Cecil Arthur Spring-Rice. On August 22, the President transmitted it to the Senate. On the 26th it was referred to the Committee on Foreign Relations. On the 28th it was reported favorably, Senator James A. O’Gorman being made its sponsor on the floor. He immediately reported it to the Senate, fully resolved to secure action upon it before the adjournment of the session.

On August 29, the treaty came before the Senate in Executive Session, and within less than thirty minutes it was ratified, by a vote that was practically unanimous.

The news of that remarkably speedy ratification thrilled the defenders of the birds, all over the continent, and messages of rejoicing and congratulation flew in every direction. The action of the Senate meant that *at last* the defenders of the birds and of legitimate sport with the gun would come into possession of a perfect weapon, and the birds would come into their own. It meant that real federal protection would begin sometime in 1917, and that the flouting of a federal law would come to an end.

It then remained for Canada to secure to the instrument the signature of the King of England, and for Congress to pass an enabling act, and an appropriation for its enforcement. The treaty was quickly sent to England, and without

delay it received the royal signature. It was rushed back to the British Ambassador, Sir Cecil Arthur Spring-Rice, and the final ratifications were exchanged on December 7, 1916, rendering the treaty fully operative for twenty years.

The people of the United States will now expect to see the law adequately enforced, through a special enabling act. They are willing to pay all that the enforcement will cost, and if it fails to come, they will demand to know the reason why, and will ask—"Who is to blame?" As sure as two and two make four, the American people are now in no mood to stand any trifling in the enforcement of the terms of that treaty. They will have no such doings as we have had to put up with on account of the weaknesses of the present migratory bird law.

Incidentally they expect that under the terms of the treaty there will be no spring shooting of migratory birds, no sale of native wild game and no night shooting. They will expect to see the bobolink protected forever after March 4, 1917, and the extermination of our American cranes brought to an abrupt halt.

But how about the non-migratory upland game birds,—the grouse, ptarmigan and quail! Alas! They are wholly dependent upon state protection; and in several states that is a broken reed upon which to lean.

PROGRESS OF THE TREATY IN CANADA.

In the *Agricultural Gazette of Canada*, for December, 1916, p. 1033, Dr. C. Gordon Hewitt has published, in condensed form, a statement of occurrences in Canada that led up to the ratification of the treaty. It is as follows:

"The results of the Federal Migratory Bird Law in the United States indicated the possibilities and served to emphasize the need of international co-operation. The question of international co-operation was first informally discussed by the writer with the Biological Survey of the United States Department of Agriculture at Washington in Janu-

ary, 1914. Later in the same month the subject was discussed in Ottawa at the annual meeting of the Commission of Conservation and the following resolution was passed:

“Resolved, that the Provincial Governments of Canada be urged to solicit the good offices of the Dominion Government in obtaining the negotiation of a convention for a treaty between Great Britain and the United States, for the purpose of securing more effective protection for the birds which pass from one country to another.”

“In the following month (February, 1914), the United States Government submitted to the Canadian government for its consideration the draft of a convention between Great Britain and the United States for the protection of migratory birds in the United States and Canada.

“The draft of the proposed convention was submitted to the several provincial governments for their views, as the question was of provincial concern. The provincial governments unanimously approved of the principle of the convention. As objections that were not considered to be insuperable were raised by only two of the provinces, and, as the Departments of Agriculture and of the Interior, and the Commission of Conservation, strongly concurred in the opinion that the protection of these birds, as provided under the proposed convention, particularly on economic grounds, was most desirable, an Order-in-Council was passed on May 31, 1915, stating that the Canadian Government was favorably disposed to the conclusion of the proposed Treaty.

“With a view to securing the settlement of our objections to certain provisions of the treaty further negotiations were undertaken in Washington early in the present year, as a result of which all the objections raised were completely met with the exception of one that would have affected the vital principle of the proposed treaty, namely the elimination of spring shooting. Accordingly, a revised draft convention embodying the changes, together with certain other improvements, was prepared and submitted to the Canadian Government in March, 1916.

"After further consideration of this revised draft by the Government an Order-in-Council was passed on the 29th of June, 1916, stating that 'Canada is prepared to agree to that conclusion of the convention' conditional to the adoption of certain other amendments which had been agreed to as a result of informal negotiation."

THE MIGRATORY BIRDS OF NORTH AMERICA.

As an answer to constant inquiries regarding the number of species of North American birds protected by the federal migratory bird law and the treaty with Canada, Mr. Lee S. Crandall, Assistant Curator of Birds in the Zoological Park, has prepared a list of the species and sub-species so covered. It is as follows:

Grebes	6	Shorebirds	60
Loons	5	Doves and Pigeons	8
Auks and Murres	25	Hawks and Eagles	48
Gulls	26	Owls	10
Skuas and Jaegers	4	Cuckoos	3
Fulmars, Shearwaters and Petrels	36	Kingfishers	1
Albatrosses	5	Woodpeckers	46
Terns	17	Gannets	6
Skimmers	1	Snakebirds	1
Ducks and Geese	56	Cormorants	11
Flamingoes	1	Frigate-birds	1
Tropic Birds	3	Pelicans	3
Ibises	4	Goatsuckers	12
Storks	2	Swifts	4
Spoonbills	1	Hummingbirds	18
Cranes and Limpkins ...	4	Passeres	560
Rails	17	Herons	17

A LETTER FROM AUSTRALIA.

Royal Australasian Ornithologists' Union,
Melbourne, October 16, 1916.

Dear Dr. Hornaday:

The Council of the above Union desire to congratulate you and those working with you on the splendid victory

for the birds that has been achieved by the ratification of the bill between Canada and the United States to protect your migratory birds. Our Union realizes that it is impossible to state the value the passing of this law is to the countries concerned, and we wish the working out of it every success.

On behalf of the R. A. O. U.,

I am, Yours sincerely,

D. LE SOUEF,
Honorary Secretary.

TEXT OF THE TREATY WITH CANADA

Whereas many species of birds in the course of their annual migrations traverse certain parts of the United States and the Dominion of Canada; and

Whereas many of these species are of great value as a source of food or in destroying insects which are injurious to forests and forage plants on the public domain, as well as to agricultural crops, in both the United States and Canada, but are nevertheless in danger of extermination through lack of adequate protection during the nesting season or while on their way to and from their breeding grounds;

The United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British dominions beyond the seas, Emperor of India, being desirous of saving from the indiscriminate slaughter and of insuring the preservation of such migratory birds as are either useful to man or are harmless, have resolved to adopt some uniform system of protection which shall effectively accomplish such objects, and to the end of concluding a convention for this purpose have appointed as their respective plenipotentiaries:

The President of the United States of America, Robert Lansing, Secretary of State of the United States; and

His Britannic Majesty, the Right Honorable Sir Cecil Arthur Spring-Rice, G.C.V.O., K.C.M.G., etc., His Majesty's ambassador extraordinary and plenipotentiary at Washington,

Who, after having communicated to each other their respective full powers which were found to be in due and proper form, have agreed to and adopted the following articles:

Article I

The High Contracting Powers declare that the migratory birds included in the terms of this Convention shall be as follows:

1. Migratory Game Birds:

(a) Anatidae or waterfowl, including brant, wild ducks, geese, and swans.

(b) Gruidae or cranes, including little brown, sandhill, and whooping cranes.

(c) Rallidae or rails, including coots, gallinules and sora and other rails.

(d) Limicolae or shorebirds, including avocets, curlew, dowitchers, godwits, knots, oyster catchers, phalaropes, plovers, sandpipers, snipe, stilts, surf birds, turnstones, willet, woodcock and yellowlegs.

(e) Columbidae or pigeons, including doves and wild pigeons.

2. Migratory Insectivorous Birds: Bobolinks, catbirds, chickadees, cuckoos, flickers, flycatchers, grosbeaks, humming birds, kinglets, martins, meadowlarks, nighthawks or bull bats, nut-hatches, orioles, robins, shrikes, swallows, swifts, tanagers, titmice, thrushes, vireos, warblers, wax-wings, whippoorwills, woodpeckers and wrens, and all other perching birds which feed entirely or chiefly on insects.

3. Other Migratory Nongame Birds: Auks, auklets, bitterns, fulmars, gannets, grebes, guillemots, gulls, herons, jaegers, loons, murre, petrels, puffins, shearwaters, and terns.

Article II

The High Contracting Powers agree that, as an effective means of preserving migratory birds there shall be established the following close seasons during which no hunting shall be done except for scientific or propagating purposes under permits issued by proper authorities.

1. The close season on migratory game birds shall be between March 10 and September 1, except that the close season on the Limicolae or shorebirds in the maritime Provinces of Canada and in those States of the United States bordering on the Atlantic Ocean which are situated wholly or in part north of Chesapeake Bay shall be between February 1 and August 15, and that Indians may take at any time scoters for food but not for sale. The season for hunting shall be further restricted to such period not exceeding three and one-half months as the High Contracting Powers may severally deem appropriate and define by law or regulation.

2. The close season on migratory insectivorous birds shall continue throughout the year.

3. The close season on other migratory nongame birds shall continue throughout the year, except that Eskimos and Indians may take at any season auks, auklets, guillemots, murre and puffins, and their eggs, for food, and their skins for clothing, but the birds and eggs so taken shall not be sold or offered for sale.

Article III

The High Contracting Powers agree that during the period of ten years next following the going into effect of this Convention, there shall be a continuous close season on the following migratory game birds, to-wit:

Band-tailed pigeons, little brown, sandhill and whooping cranes, swans, curlew and all shorebirds (except the black-breasted and golden plover, Wilson or jack snipe, woodcock, and the greater and lesser yellowlegs); provided that during such ten years the close

seasons on cranes, swans and curlew in the Province of British Columbia shall be made by the proper authorities of that Province within the general dates and limitations elsewhere prescribed in this Convention for the respective groups to which these birds belong.

Article IV.

The High Contracting Powers agree that special protection shall be given the wood duck and the eider duck either (1) by a close season extending over a period of at least five years, or (2) by the establishment of refuges, or (3) by such other regulations as may be deemed appropriate.

Article V.

The taking of nests or eggs of migratory game or insectivorous or nongame birds shall be prohibited, except for scientific or propagating purposes under such laws or regulations as the High Contracting Powers may severally deem appropriate.

Article VI.

The High Contracting Powers agree that the shipment or export of migratory birds or their eggs from any State or Province, during the continuance of the close season in such State or Province, shall be prohibited except for scientific or propagating purposes, and the international traffic in any birds or eggs at such time captured, killed, taken, or shipped at any time contrary to the laws of the State or Province in which the same were captured, killed, taken, or shipped shall be likewise prohibited. Every package containing migratory birds or any parts thereof or any eggs of migratory birds transported, or offered for transportation from the Dominion of Canada into the United States or from the United States into the Dominion of Canada, shall have the name and address of the shipper and an accurate statement of the contents clearly marked on the outside of such package.

Article VII.

Permits to kill any of the above-named birds which, under extraordinary conditions, may become seriously injurious to the agricultural or other interests in any particular community, may be issued by the proper authorities of the High Contracting Powers under suitable regulations prescribed therefor by them respectively, but such permits shall lapse, or may be cancelled, at any time when, in the opinion of said authorities, the particular exigency has passed, and no birds killed under this article shall be shipped, sold, or offered for sale.

Article VIII.

The High Contracting Powers agree themselves to take, or propose to their respective appropriate lawmaking bodies, the necessary measures for insuring the execution of the present Convention.

Article IX.

The present Convention shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by His Britannic Majesty. The ratifications shall

be exchanged at Washington as soon as possible and the Convention shall take effect on the date of the exchange of the ratifications. It shall remain in force for fifteen years, and in the event of neither of the High Contracting Powers having given notification, twelve months before the expiration of said period of fifteen years, of its intention of terminating its operation, the Convention shall continue to remain in force for one year and so on from year to year.

In faith whereof, the respective Plenipotentiaries have signed the present Convention in duplicate and have hereunto affixed their seals.

Done at Washington this sixteenth day of August, one thousand nine hundred and sixteen.

(Seal)

ROBERT LANSING.

(Seal)

CECIL SPRING-RICE.

FAILURE OF THE "ENABLING ACT" FOR THE BIRD TREATY.

EVERY international treaty requires the passage by Congress of an act empowering the executive branch of the government to carry out in detail the terms and provisions of that treaty. As a constitutional instrument a treaty is unassailable by the courts; for by virtue of international law, and the terms of ratification, a treaty becomes the supreme law of the land. Congress never negotiates a treaty which is in conflict with the Constitution of the United States, or even open to a charge of being so. Whenever international treaties become subject to review by the courts of either contracting power, then the time-honored business of treaty-making will come to an end.

It is quite to be expected that a few irreconcilable hostiles, both in and out of Congress, will proceed to attack any and every bill that may be introduced to provide an enabling act for our bird treaty. Whatever is proposed will be fought by some one; but that prospect will, we fully believe, be accepted by the true friends of the birds in both houses of Congress as "all in the day's work."

It is perfectly certain that Senator James A. Reed in the Senate, and Representative F. W. Mondell in the House, will fight any and every enabling act, as interfering with what they regard as "State Rights."

There are three things regarding the protection of our migratory birds of which the American people as a whole are now very sure, as follows:

1. They are sure that they desire the adequate and ample protection of all our 1,022 species of migratory birds.
2. They know that the new treaty can be made to yield that protection.
3. They are sure that Congress fully INTENDS to make that treaty thoroughly effective, forthwith.

In course of time, following the ratification of the treaty with Canada, the Department of Agriculture proceeded to draft an enabling act. Various interested parties urged that a bill be ready for introduction on the first day of the session of 1916-17, because of the shortness of that session, the pressure of other bills, and the difficulties certain to be experienced in bringing any new bill to an actual vote.

It was with a feeling of genuine dismay that we saw week after week of that short congressional session pass by without action. It was not until JANUARY 13, that Senator Hitchcock received, from the Department of Agriculture, and introduced, Senate Bill No. 7858 "to give effect to the convention between the United States and Great Britain for the protection of migratory birds." The same bill was introduced in the House of Representatives by Representative Flood, also on January 13, as H. R. No. 20,080.

The full text of the original act is appended hereunto. It will be noted that it provides for stopping, everywhere, the sale of game that consists of migratory birds; that it provides power to search and make arrests without the deadly delay and the rigmarole of a warrant; that it empowers the Secretary of Agriculture to fix bag limits on the killing of migratory game birds; and that it provides \$170,000 for the cost of a year's operations in 48 states and Alaska in the enforcement of the terms of the act.

In the Senate the Hitchcock bill was referred to the Committee on Agriculture and Forestry, of which Senator Thomas P. Gore was Chairman. The report of that Committee was rendered to the Senate on February 21, and it is so brief that it easily can be quoted in full:

The Committee on Agriculture and Forestry, to whom was referred the bill (S. 7858) to give effect to the convention between the United States and Great Britain for the protection of migratory birds, having considered the same, report thereon with a recommendation that it do pass with certain amendments.

The object of the amendments is to restrict the operation of the bill to the terms of the above mentioned treaty and to such State laws as are now in force in relation to the protection of migratory birds and game.

The above report was very good,—but for one thing. *It cut the vital organs out of the bill!* The document as re-

printed by the Senate looked as if a 4-inch shell had exploded in its midst, blowing away all of the bill except the outer edges. It would be amusing,—if it were not so horribly serious.

It is no laughing matter for the entire appropriation of \$170,000 to be cut out, leaving the law,—if enacted,—*nothing* to stand upon save the paltry and insufficient \$50,000 already provided for the migratory bird law! The bird lovers of the country are painfully aware of the fact that \$50,000 means *exactly* \$1,041.66 *for each state to be covered*; and they know that federal protection on such a basis as that is just cause for laughter and contempt.

No! There must be no more of the fifty-thousand-a-year basis! The people of America will not stand for it! This time, and henceforth, they want real protection for the birds; they expect it, and they demand it. Any enabling act which fails to provide for arrest and search without a warrant, and fails to provide at least \$170,000 for enforcement, is worse than none! *If we do not intend to protect our birds, and do it RIGHT, then we had best not pretend to do so!* Our government has been flouted and insulted quite enough on the fifty-thousand-dollar basis, and *we want no more of that!*

Because of our own measure before Congress (the game sanctuary bills), it seemed best that the Permanent Fund should not enter into the campaign for the enabling act.

But new conditions call for new policies. With the convening of the extra session of Congress, a campaign must be conducted on different lines. From the very beginning it has been absolutely necessary for the American people to convince each house of Congress that MONEY, in six figures, will be needed for the enforcement of the terms of the treaty, and that the *American people stand ready and willing to pay the annual price that is necessary; which is \$200,000!*

It is not necessary to ask any Senator or Representative to “vote for the enabling act”; but it *is* necessary to ask for the appropriation vitally necessary for its enforcement.

TEXT OF THE ORIGINAL HITCHCOCK BILL, AS IT SHOULD HAVE PASSED.

A BILL

To give effect to the convention between the United States and Great Britain for the protection of migratory birds, the ratifications whereof were exchanged on the seventh day of December, nineteen hundred and sixteen, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That unless and except as permitted by regulations made as hereinafter provided, hunting, taking, capturing, killing, attempting to take, capture or kill, possessing, offering for sale, selling, offering to purchase, purchasing, delivering for shipment, shipping, causing to be shipped, delivering for transportation, transporting or causing to be transported by any means whatever, receiving for shipment or transportation, or exporting, at any time or in any manner, any migratory bird included in the terms of the convention between the United States and Great Britain for the protection of migratory birds, or any part, nest, or egg thereof, is prohibited.

Sec. 2. That, subject to the provisions, and in order to carry out the purposes of the convention, the Secretary of Agriculture is authorized and directed, from time to time, to determine when, to what extent, if at all, and by what means, having due regard to the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of migratory flight of such birds, it is compatible with the terms of the convention to allow the hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, and export of any of said birds, or parts, nests, or eggs thereof, and to adopt suitable regulations permitting and governing the same, in conformity with such determinations, which regulations shall become effective when approved by the President.

Sec. 3. That the shipment, transportation, or export to a foreign country of any birds, or parts or eggs thereof, taken, captured, killed, shipped, or transported contrary to the laws of the State, Territory, or District in which the same were taken, captured, killed, shipped, or transported is prohibited. The importation of any birds, or parts or eggs thereof, taken, captured, killed, shipped, or transported contrary to the laws of any Province of the Dominion of Canada in which the same were taken, captured, killed, shipped, or transported is prohibited.

Sec. 4. That persons appointed by the Secretary of Agriculture for the purpose of enforcing the provisions of this Act shall, with respect thereto, have the same powers as are conferred by law on marshals with respect to executing the laws of the United States. Any such person shall have authority, without warrant, to search

any other than a dwelling, and, with warrant, to search any dwelling, if he shall have reason to suspect that there is concealed therein any migratory bird, or any part, nest, or egg thereof, which has been taken, or is possessed, contrary to the provisions of this Act or of any regulation made pursuant thereto. The several judges of the courts established under the laws of the United States and United States commissioners may, within their respective jurisdictions, upon proper oath or affirmation showing probable cause, issue warrants in such cases. All such migratory birds, or parts, nests, or eggs thereof, when found, shall be seized and held, and, upon conviction of the offender, shall be forfeited to the United States and disposed of as directed by the court.

Sec. 5. That any person, association, partnership, or corporation who shall violate any of the provisions of said convention or of this Act, or shall violate or fail to comply with any regulation made pursuant to this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than \$500, or be imprisoned not more than six months, or both.

Sec. 6. That nothing in this Act shall be construed to prevent the several States and Territories from making and enforcing laws and regulations not inconsistent with the provisions of said convention, or of this Act, or of any regulation made pursuant to this Act.

Sec. 7. That there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, available until expended, for the expenses of carrying into effect the provisions of this Act and regulations made pursuant thereto, including the payment of such rent and the employment of such persons and means as the Secretary of Agriculture may deem necessary, in the city of Washington and elsewhere, and for cooperation with local authorities in the protection of migratory birds and necessary investigations connected therewith the sum of \$170,000, and in addition the unexpended balance of any sum appropriated by the Agricultural appropriation Act for the fiscal year nineteen hundred and seventeen for enforcing the provisions of the Act approved March fourth, nineteen hundred and thirteen, relating to the protection of migratory game and insectivorous birds.

Sec. 8. That this act shall become effective immediately upon its passage and approval.

PART V.—VARIOUS PAPERS

The conditions affecting the wild life of North America now are changing with great rapidity, and often for the worse. In the hope of rendering some service to practical workers, we offer a few papers intended to promote a clear understanding of certain foundation principles.

ETHICS IN HUNTING GAME.*

MILLIONS of American game birds and mammals have been killed because of the rotten ethics of the hunting field. Yes, I am aware of the fact that "rotten" is a rough and jarring word, but in the whole range of the English language there is no other that adequately expresses the truth of this situation.

Out of the 3,000,000 men and boys of America who own guns and kill wild things, it is a safe guess that 2,500,000 of them do not know the meaning of the word "ethics," as it should apply to the shotgun and the rifle. It is therefore very much in order to quote here the language of the Century Dictionary; and we hope that it will somewhat clarify a very murky atmosphere.

"Ethics.—The science of right conduct and character; the science which treats of the nature and grounds of *moral obligation*, and of the rules which ought to determine conduct in accordance with this obligation; the doctrine of *man's duty in respect to himself and the rights of others.*"

During the pioneer and frontier days of our country, the hungry and needy citizen, who "struggled mightily with his

* From "The Forum," January, 1917. Copyright by The Forum Company.

environment," shot right and left, in order to live. He killed game at all seasons. He killed female deer; he killed fawns, and ate them. He potted quail and grouse on the ground; he killed water-fowl with swivel guns; he fished in and out of season, with nets, gang hooks, spears, and snares.

For years the needy backwoodsmen slaughtered and slew, without let or hindrance; but because his numbers were few, he made little impression upon the general stock of game. His rifle calibers were small, and his powder was black and scarce. He did indeed early exterminate the elk and the buffalo from the whole region eastward of the Mississippi; but the remainder of the game held its own.

Finally, with the rise of fat cattle, hogs, wheat and Plenty, there came a great increase in people and guns; and then it occurred to the few that the game was "going, too fast." Certain legal brakes were put on to check the killing. But the game laws of fifty years ago were not devised for the lofty purpose of giving the game a square deal, and a sporting chance to get away from the hunter; not by any means. We are sure that the sole object sought was the retarding of the slaughter of the deer, and the birds then shot as "game," in order that they might not be exterminated too soon.

But another great change has come. Twenty years ago the "frontier" and the "pioneer" passed away from the United States, forever. High-power rifles and shotguns began to flow from the gun factories, by the hundred thousands, and cartridges were turned out in hundreds of millions.

Simultaneously, a few sportsmen scattered here, there, and yonder began to preach and to practice the doctrine of a square deal to the remaining game. In my opinion, the universal fight under this head began in the United States in 1897. At that time there entered the field the New York Zoological Society, Mr. George O. Shields with *Recreation*

Magazine, and the New York and Massachusetts State Audubon Societies.

To my mind, the year mentioned saw the real beginning of the present wide-spread effort to establish a universal code of ethics and statute laws to govern the hunting of American game. On this point, however, there will be more opinions than there are different kinds of firearms; which is saying much. Curiously enough, it was in 1894 that the Bird Protection Committee of the American Ornithologists' Union solemnly "asked to be discharged, the need for such committee being considered no longer urgent, of late its functions having been merely advisory, and its services not often required!" (*The Auk*, Vol. XI, page 87.)

In 1897 Mr. Shields editorially coined the word "game-hog"; and he used that harsh and jarring term with such fearful effect that tens of thousands of hunters who were hit by it immediately began to salve their soreness by hating the author and user of the word. And, strange to say, thousands of men who were not themselves game-hogs became deeply sympathetic in behalf of their friends who were; and they joyously joined in hating the author of their friends' woes, until very many American sportsmen and game-hogs finally met on that common ground! It is, however, a satisfaction to record the fact that Mr. Shields has survived and held his own, latterly on the lecture platform, before which the great Common People hear him gladly.

We repeat that during the past twenty years of concentrated effort in game destruction and game defense, millions of valuable game mammals and birds have been wrongfully slaughtered because of the absence of ethics in hunting. Even down to the present hour, the various states of our nation form a veritable crazy quilt of good game laws, indifferent laws, bad laws, and shameful lack of laws. In every state with imperfect laws, the underlying and outcropping reason for that condition is a lack of personal and state sense of honor and responsibility in dealing with

defenseless wild creatures. This in turn is based upon two things; ignorance and selfishness; and there is always a line beyond which selfishness becomes a crime.

A state or a nation can be ungentlemanly or mean, just the same as an individual.

For example: When Minnesota, the Dakotas, and Wisconsin stop spring shooting, and Iowa, Missouri, and Illinois sullenly refuse to do so, it is worse than bad state ethics. It is indecent; and everywhere in civilization indecency is a crime. Of course the reason is very plain. The spring-shooters of Missouri, Iowa, and Illinois want all the dead ducks they want, when they want them; and to them, ducks killed in the breeding season are just as good for their tables as any others.

In 1914 a majority of the people of California, in spite of an immense majority on the right side in Southern California, voted to continue the sale of game, for the cash benefit of a small, utterly selfish but financially and editorially powerful class. It was disgracefully bad ethics on the part of Northern California.

Up to this date seventeen states have raised their ethical standard to the height of sternly prohibiting by law the killing of female deer.

These honorable states are the following:

Vermont	Wisconsin
New York	Oklahoma
Pennsylvania	New Mexico
New Jersey	Arizona
West Virginia	Utah
Georgia	Idaho
Alabama	Oregon
Mississippi	California
Missouri	

Two other states, Florida and Texas, have the "buck law" on their statute books, but I am told that neither of them enforce it and so I must omit them from the roll of honor.

But on this point, take the case of the Adirondack guides, and the 1916 legislature of New York, as vicious examples.

For reasons of their own, but none of them good, the guides of the Adirondacks demand the privilege of killing female deer. They do this despite the fact that at least 95 per cent of all the people of the state who know the deer situation are strongly opposed to that reprehensible practice. In the spring of 1916, despite the vigorous opposition of nearly all the game-protecting bodies of New York State, a doe-killing bill was slipped through both houses of the legislature, in the last foggy hours of the session, and was sent to Governor Whitman. In a ringing message, Governor Whitman saved the good name of the state by vetoing the bill. That bill was passed by bad ethics, of course; and in the enlightened year of 1916, its success was shameful and disgusting. However, a good governor is better than a great politician.

The remissness of American sportsmen in the framing and promoting of adequate codes of ethics to govern the taking of wild game on a basis of gentlemanly sport, is really remarkable. A few laws for the prolongation of the supply of killable game date far back; but so far as we are aware, the first serious attempt at the formulation of a code of ethics for the purpose of giving the game a square deal irrespective of laws, was that made by the writer in 1908. The result was first published on April 17, as "A Sportsman's Platform." In 1909 it was formally adopted by the Camp-Fire Club of America as its official "code of ethics," and later on was adopted or indorsed by various other organizations of sportsmen, including the famous Shikar Club of London. In 1913, the Camp-Fire Club, in seeking a motto to be cast in iron around the rim of the Club's camp-kettle, adopted this:

KEEP THE FAITH, THOUGH I GO EMPTY

In the "Sportsman's Platform," the following planks particularly relate to the ethics of hunting game at this time:

6. No man can be a good citizen and also be a slaughterer of game or fishes beyond the narrow limits compatible with high-class sportsmanship.

7. A game-butcher or a market-hunter is an undesirable citizen, and should be treated as such.

8. The highest purpose which the killing of wild game and game fishes can hereafter be made to serve is in furnishing objects to over-worked men for tramping and camping trips in the wilds; and the value of wild game as human food should no longer be regarded as an important factor in its pursuit.

9. If rightly conserved, wild game constitutes a valuable asset to any country which possesses it; and it is good statesmanship to protect it.

10. An ideal hunting trip consists of a good comrade, fine country, and a *very few* trophies per hunter.

11. In an ideal hunting trip, the death of the game is only an incident; and by no means is it really necessary to a successful outing.

12. The best hunter is the man who finds the most game, kills the least, and leaves behind him no wounded animals.

13. The killing of an animal means the end of its most interesting period. When the country is fine, pursuit is more interesting than possession.

14. The killing of a female hoofed animal, save for special preservation, is to be regarded as incompatible with the highest sportsmanship; and it should everywhere be prohibited by stringent laws.

15. A particularly fine photograph of a large wild animal in its haunts is entitled to more credit than the dead trophy of a similar animal. An animal that has been photographed never should be killed, unless previously wounded in the chase.

At this point I would like to ask every American Sportsman this question: How many game laws can you count that have been enacted for the purpose of giving the game a square deal in the struggle for existence, regardless of the killable supply?

I do not believe that there are, in all the statute books of our forty-eight states, and over the nation at large, one round dozen of game laws that have been placed there solely on ethical grounds, to give the game justice and a square deal. Every law of which I know that affects killable game owes its existence to the sordid purpose of preserving to-day in order to have something to kill tomorrow!

We have laws for the protection of women, children, and men; dogs, horses, cats; sheep, swine, and song-birds, from oppression and from cruelty. We have societies for the protection of the aborigines, to the utmost corners of the earth. We prevent the slaughter of gulls and terns, the defacement or destruction of the wonders of inanimate nature, and we have a series of national monuments for the prevention of vandalism in cherished places.

But *do* we protect *any killable game* for the sake of giving it a square deal, and a fair chance to win against us in the chase?

Has any state ever forbidden the use of telescopic sights on game rifles? No; not that we can remember.

Has any state ever forbidden hunters to fire at big game at a greater distance than 200 yards? Emphatically, no! What an idea! A sporting magazine of June, 1916, contains a picture of a small mountain sheep "killed at a distance of *one mile!*" And great be the glory of the gallant hunter, who, so we must infer, was not a sufficient mountaineer to stalk within fair gunshot of his game.

Do the sportsmen of New York, or any other state, who with sad faces and tearful voices sometimes tell us of the freezing and starving of quail in bad winters, ever refrain from quail hunting during the next open season out of pity for the half-starved remnant? Not on your life. And do

the quail laws of any state provide for a season of immunity after a season of winter-killing? Show me one.

But there are sportsmen with cheeks of brass who will look you squarely in the eye, and tell you that "since the hard winters kill more quail than the sportsmen do, five-year close seasons are unfair, because the quail can't live here anyhow, and they might as well be shot as left to freeze, or starve to death."

If anyone can find more decayed ethics than those, we would like to know whence they come, and what they look like.

The measures that are taken for the prolongation of game shooting,—let us not insult helpless wild animals by saying "protection" of game,—are as follows:

For game quadrupeds: A limit to the number that may may be killed ("bag limit"); a restriction to adult male specimens; observance of close season limits, excluding the birth-and-rearing period; and prohibition of the sale of game.

For game birds: Shooting only in the non-breeding season; bag limits; in two states, no automatic shotguns to be used; in various states, no motor or sail boats are usable against wild-fowl, nor swivel guns, nor gang shotguns, nor big-bore guns; nor baiting of the birds; nor shooting before sunrise nor after sunset; nor sale of game.

In the hunting and killing of mammals, the only limit on weapons is what gamblers call "the blue sky." No other states than Pennsylvania, New Jersey, and Massachusetts have any restriction whatsoever upon the weapons with which deer are killed. Pennsylvania and New Jersey bar all automatic rifles; and Massachusetts permits her deer to be killed with shotguns only,—to conserve *human* life.

In each and every one of the other 46 states you can hunt big game with anything from a .22 caliber rifle up to a howitzer on wheels. You can use telescope sights, smokeless powder, cordite, Maxim silencers,—whatever you choose. You are not required by law, or by state codes of

ethics, to give the game the slightest show to escape you. Any high-power rifle (and now nearly *all* are that) will kill a deer, an elk, or a grizzly bear at 400 yards, and farther if the hunter is sufficiently lucky or expert.

In a recently published book on big-game hunting in Africa, the author-hunter describes an attack on a leopard, with a Mannlicher rifle fitted with a telescopic sight and a Maxim silencer. The distance (measured) was 675 yards. Three shots were fired. The leopard heard *no sound!* The first shot threw up dust under the animal. The second hit a front leg; but the leopard had no idea of the source of the hurt, and did not think of running away. The third shot was fatal. Between the long-range rifle, the telescope, and the silencer, the animal was robbed of every chance for the detection of the hunter, and of escape. It might as well have been shot with a cannon and shrapnel.

Have any states in our country legislated against the sale and use of the silencer? Yes; New York. It was done because of the undetected killing of *men* in New York City by the use of that death-dealing device. How the devil must have laughed when a patent was granted for the silencer! Each state will wait until a certain number of its citizens have been assassinated by it, and then they will legislate against its sale and use; but not until then. It is the American way to await the call of Calamity before we rise and act.

Possibly this world will endure until man, the meanest and deadliest of all the predatory animals, will have progressed upward in ethics to the height that the majority really will desire to give the wild creatures a square deal. That time may indeed come; but long, long before it does, the game of this earth, great and small, will be dead and gone,—everywhere outside the hard-and-fast game sanctuaries, and their immediate environs.

I regard it as absolutely certain that fifty years from now there will be no large game to be shot anywhere in the United States or in Southern Canada, outside the regions that surround the game sanctuaries, national and state.

Here are the curses that rest upon American game:

1. The general absence of ethics in hunting.
2. The 75-per-cent-of-hunter sentiment that it is necessarily and ethically right to kill "all the game that the law allows," regardless of its scarcity, or its impending local extinction.
3. The annual salving of 3,000,000 consciences with hunting licenses costing the princely sum of \$1 each.
4. Reckless disregard for the extermination of species.
5. The actual extermination of game "according to law."
6. The totally false idea that saving game today in order to kill it tomorrow is "game protection," or "conservation."
7. The indifference of hunters to the balance of game increase and decrease which is indispensable to the maintenance of a continuous supply.
8. The unwillingness of 75 per cent of the hunters of today to make serious sacrifices that are absolutely necessary to maintain this continuous supply.
9. The prevalence of greed and selfishness in hunting, which wants to kill the full legal limit, if it be possible.
10. The impatience of law when it runs counter to desire.

There are, fortunately, many men and boys who will do right by wild life when their duty becomes clear. There are men to whom six birds are as sufficient as sixty, and who stop without reference to the legal limit. There are three times as many more who want what they want, when they want it, who kill to the limit if they can, and who yield no hunting privilege save under compulsion. The spring-shooters of Missouri serve to point a moral but their doings would come a thousand miles short of adorning a tale. Because they cannot kill in the autumn months and during December and January as many ducks and geese as they would like to kill, they demand of the national government

a special privilege to shoot wild-fowl in spring, up to March 31, or else the repeal of the entire federal migratory bird law!

Now, it happens that in Kansas, Missouri, Illinois, Iowa, and Nebraska, wild ducks of several species begin mating in February and March, and go right on nesting and rearing their young throughout the whole region described wherever conditions are suitable, and they are *not driven away by shooting!* (Dr. George W. Field.)

In view of spring breeding conditions, it is not right that the states named should have the right to kill ducks and geese later than February 1; and therefore the federal regulations fix that limit. For two years the Interstate Sportsmen's "Protective" Association of Kansas City and St. Louis has been fighting the federal migratory bird law, and has made numerous and noisy appeals to its members of Congress, either to secure for them a special dispensation, or destroy the law.

As an example of shortsighted selfishness and bad ethics, we will match the Missourians of the Interstate Sportsmen's Protective Association against the world. Naturally, Congress steadily refuses to accede to the Missouri demand, which is "even to the repeal of the law"! Even during 1916, both houses have voted by large majorities to sustain the federal migratory bird law, by means of the usual annual appropriation of \$50,000 for its enforcement.

The human prize ring bristles with rules based on ethical principles. The fighter must not bite, kick, gouge, strike below the belt, nor do an Indian war dance upon the anatomy of an opponent. In hunting we have not progressed one-half so far as that. Our hunting ethics now forbid us to kill female goats and sheep, lambs or kids, and the young of birds. A bird must not be shot on her nest. Seventeen states forbid the killing of female deer and fawns; but it was only last spring that Governor Whitman resolutely saved the state of New York from nation-wide disgrace by vetoing a law that had been trickily slipped through our

legislature during its last hours, providing for a return to the killing of female deer, at the demand of the guides of the Adirondacks. And this in the state of New York, which for five years has led the van of game-protecting states!

While our national, state, and individual sins against wild life are as the sands of the seven seas for multitude, we are not by any means totally depraved. If the Men of Ethics were only more numerous, and more determined, our wild life could be saved on a continuing basis; but we are shorthanded.

There are thousands of American sportsmen who do believe in the square deal for wild life. They scorn to shoot in any breeding season. They sell no wild game, and despise those who do. They kill no female hoofed game, nor young animals. They stop when they have two or three head of game, no matter how much more their hunting licenses offer them according to law. I know a big-game sportsman who went sheep-hunting all the way from Detroit to Montana; and when the only male sheep that he could find proved to be a three-year old ram, he refused to kill that immature animal and went home sheepless. A sportsman with a code of ethics shoots no birds on the ground, despises gang hooks and big rods for small fish, and glories in small, breakable rods and lines for "the big game of the sea." He kills and eats no bobolinks as "game."

Some of these men have laid aside their 12-gauge shotguns, and taken up the 16, the 22, and even the 28-gauge, because those weapons "give the game a show," and call for superior skill in the man behind the gun.

In the ethics of fair and gentlemanly sport with the shotgun, the automatic shotgun is like a pair of scales for the weighing of men. As a separator of sheep from goats, it has few equals and no superiors.

One of the greatest battles for correct ethics in the killing of game ever waged in any country was the fight against the use of those machine guns for bird slaughter. They

are of seven kinds; and the energy, the persistence, and the shamelessness with which they are bought and used on game, in the United States, is positively amazing. When a ragged and emaciated Florida cracker slowly walks past us with a \$35 automatic on his shoulder, we are not surprised, save by the evidence that he had the price; but when members of alumni associations and clubs, "even as you and I," stand up and vigorously defend the machine guns, and also use them in hunting, it phases us. The stock argument is: "If you enforce the bag limit, the kind of gun used doesn't matter!" That is a mere subterfuge, employed in weakly dodging the real issue.

Now, the fact is, it matters a great deal; because the value of the automatic gun,—and the love for it,—is based very solidly on the fact that it gets about 50 per cent more game per gun than is getable with a gentlemanly double-barreled shotgun! The Winchester and Remington Arms companies make and sell the goods *because of its superior game-getting habits!* But for that, no man would want either the automatic or the "pump" to use on game.

The use of automatic and "pump" shotguns, shooting either 5 or 6 shots without removal from the shoulder, is a shame, and a disgrace to 46 of our 48 states. Only two states, Pennsylvania and New Jersey, have purged themselves of this disgrace by passing laws forbidding the use of the slaughter guns in hunting; but I believe every province of Canada has barred them by law.

Strange to say, the anglers can teach the hunters a great deal about the ethics of sport,—but in tackle only. In bag limits some of the anglers are just as great game-hogs as any that I know of, anywhere. With many, their ethics seem to stop at the rod and line, and not at the weight of the creel. There seems to be no way in the world to curb fish slaughter, and to conserve a continuous supply of game fishes. But for the fish hatcheries there would today be mighty few game fishes in any of our freshwater streams and lakes.

The grown men of today, as a mass, are hard to influence in behalf of wild life. They do not know what it is to make real sacrifices for real conservation unless compelled. In places like Missouri only a hardwood club produces a result. Fortunately the minority which defends wild life, being eternally in the right, can through legislation secure many and great results; but they must work that field early and late.

Ethically the Congress of the United States has a perfect record in wild-life conservation. Congress never has voted against wild life! No reasonable and good measure for the better protection and increase of the nation's stock of wild creatures ever has been placed before that body and voted down! In the ethical treatment of the millinery-producing birds of the world, we are the most envied of nations.

The one great place in which to teach ethics in the treatment of wild life is in the nursery and the schoolroom. To teach "nature study" alone is not enough. The aggressive and militant *defense and protection* of the harrassed wild creatures must also be taught, regularly and persistently.

The National Educators Conservation Society, of New York has been founded for the express purpose of showing the plain path of duty to all teachers of America. Its task is a gigantic one; and it needs and must have no end of support,—financial, educational, and political. Its foundations have indeed been "well and truly laid," and we expect great things of it. Through it all the teachers of America,—a mighty host,—are called upon to do their duty by the nation's wild life.

If the school children and college students of today can be taught their duty toward wild life, they may be relied upon to perform that duty tomorrow. Manhood is stiff-necked, hard-headed, and unyielding; youth is open minded, kind-hearted, and chivalrous. We must firmly curb the average man with statute laws; but if we educate youth aright, the wild life of the future will receive a square deal. On that basis, it can continue to exist.

THE RELATION OF SPORTSMEN TO GAME EXTERMINATION

BY THEIR own acts and ethics, the men who shoot game are now dividing themselves into distinct groups. Heretofore all members of the entire body have been known as "sportsmen," chiefly because the line of cleavage has not heretofore been clearly defined. Now, however, the time has arrived when it is not only possible, but also necessary, to separate the men who hunt and kill game into two classes.

One class consists of real sportsmen, who may be defined as men with logical minds, high moral principles, ethical standards either developed or latent, and a willingness to make any personal sacrifice for the preservation and increase of wild life that circumstances may render necessary.

The other class consists of men whom we will call "gunners," whose minds are impervious to the logic of situations, who recognize nothing resembling broad policies in the protection of wild life, who are devoted to the gun and shooting, and who believe in killing game by every means that the law permits, to the full extent that the law permits, so long as any game remains alive, and regardless of the prospects of the extinction of species.

The word "sportsman" has reached the point where it must either disappear altogether or be split into fragments, each bearing either a new name or a qualifying adjective. The time when the old and favorite term necessarily meant a game protector, is gone by. The men who lack the sense of fairness, and lack the spirit of self sacrifice which is found in every true sportsman, must now and henceforth be reckoned with separately.

The true sportsmen have joined hands with the great mass of the friends and protectors of wild life who do not shoot and who never kill game. It is incumbent upon this class to meet the gunners whenever necessary, and fight the battles of the vanishing game.

Here are four illustrations of so-called "sportsmen," (really gunners only), who attempted to do wrong things, and were soundly whipped by the great majority that don't shoot, aided by the Real Sportsmen.

1.—In 1915 and 1916 the Interstate Sportsmen's Protective Association of Missouri and adjacent territory was soundly beaten in Congress when it attempted to kill the federal migratory bird law.

2.—In November, 1916, the Arizona Sportsmen's Association (an *old* organization, remember), was soundly beaten at the polls in a general election when it endeavored to defeat State Game Warden Willard's bill for reform measures.

3.—In February, 1917, the League of Ohio Sportsmen was swept off its feet by the State Legislature when it attempted to prevent Ohio's quail from getting into the song-bird list.

4.—In April, 1917, the college professors, editors and law-makers of Iowa administered a stinging defeat to the organized "sportsmen" of Iowa, led by their chief apostle, State Game Warden Hinshaw, when the latter attempted to keep Iowa quail from getting a five-year close season.

For three or four years we have been warning the so-called "sportsmen" of America, over and over, that if they do not brace up, turn over a lot of new leaves, and give the almost-vanished game *real* protection, the great mass of people who don't shoot will do the work for them.

We cite the four celebrated cases listed above as exhibits worthy of the consideration of gunners who wish to spare themselves the humiliation of backing bad causes.

The above remarks do *not* apply to the real sportsmen of America, who are ready to make whatever sacrifices are

necessary to save and bring back vanishing species. In all such contests as those cited above, *they are found on the right side!*

Today in Texas the gunner "sportsmen" are still having their innings, and still keeping up the senseless slaughter that disgraces Texas; but some say the Real People of Texas will arouse from their lethargy, and have their way. Whether they will do so before the game is entirely gone—remains to be seen.

During the past two years, the statement has several times been made in print, very positively, that sportsmen are to be credited with all the laws ever enacted in this country for the protection of wild life. I have seen that claim set forth in substantially those words. To any person who is at all familiar with the history of wild life protective legislation, it is hardly necessary to point out the rashness of such a statement. The sportsmen are not to be credited with every good thing that has been done for wild life.

Nevertheless, in view of the acknowledged power and influence of the sportsmen of the United States, and their ability to secure any good wild life protection laws which they choose to ask for, there rests squarely upon their shoulders a great burden of responsibility. While they cannot always defeat the new protective measures proposed by the "fanatics" of protection, no legislature ever refuses them the *right to put fresh restrictions upon themselves!*

Wherever open seasons are kept open until the game is exterminated, the blame lies squarely upon the sportsmen who knew their duty and failed to do it.

Taking the game hunters of the United States as a whole, the percentage of them who are willing to accept,—much less to *demand*,—any long close season without a fight, is mighty small.

There is not in the whole United States even one state that has given its squirrels a 5-year close season.

Up to January 1, 1917, the upland game birds of the whole Great West were being swept into Oblivion, because the majority of sportsmen there wished to continue killing them as long as any remain alive.

Look at the quail-hunters of Long Island!

Look at the League of Ohio Sportsmen, and its fight in 1917 against the stoppage of quail-killing. (The legislature swept them off their feet, with a law placing the quail in the list of fully-protected song-birds.)

Look at the organized "sportsmen" of Iowa, always fighting quail and prairie chicken protection.

Look at the Wyoming Game "Protective" Association, of Cody, fighting Mr. W. L. Simpson's bills to give the Wyoming remnants of mountain sheep and sage grouse five years of protection. (They defeated both bills.)

Look at the organized "sportsmen" of Missouri, fighting continuously for three years, to DESTROY the whole federal migratory bird law and the treaty, so that *they* can have spring shooting.

Look at the organized sportsmen of Texas, (1917), bitterly fighting the Metcalfe bill to save the upland game birds of Texas from utter annihilation. (They defeated the bill.)

But why go on?

The trouble is that in the saving and perpetuating of the game of the nation, *the sportsmen of the nation are a thousand times too slow on the draw!* They are great, however, on locking the stable door after the horse, harness and wagon have been stolen. They lack initiative, they lack intelligence, they lack a sense of the eternal fitness of things; and many of them utterly ignore the foundation ethics of sportsmanship. Because I tell them the truth about these things, the irreconcilables sometimes call me "the bitterest enemy of sportsmen," even while I am endeavoring to preserve legitimate sport from becoming an extinct pastime.

Slowly, very slowly, wise sportsmen are awakening to a realization of the fact that as conditions now exist, nothing but stern, drastic and far-reaching measures can save on a continuing basis the upland game birds and deer of the United States. But many of them linger shivering on the brink, dreading to take the plunge; and so the game is rushing down the toboggan slide, into Oblivion.

To some it may seem a curious thing that any sportsman father should not be willing and anxious to save some shooting, for his son. But let us wonder no longer. There are, evidently, hundreds of thousands of fathers who do not care a continental whether their boys have any shooting or not, and whose first and last desire is to go on shooting—"according to LAW"—until the last bird and the last deer is dead.

And after all, why should we care about *their* sons, and their rights to the game? *Game-hog fathers beget and bring up game-hog sons*; and you cannot change the spots on a leopard merely by protecting his rights.

If the sportsmen of the various states of our nation will not ask or permit their legislatures to pass laws preserving their upland game birds and deer, and if the other people of the various states concerned are asleep, or indifferent, then the local state game will be exterminated. The white-tailed deer and elk can be brought back, but the upland game birds *NEVER can be*; and for the loss of such species as are exterminated, *THE SPORTSMEN of the states concerned will be the men most to blame.*

They can save their local game, on a continuing basis, *if they will!*

THE GAME SHOOTER'S PLEA

From the *Des Moines Register*, March 24, 1917.

BY LEROY MILLER.

AL BIA, IA.—To the Editor: "The Game Shooter's Reply to Hornaday" was a very proper heading to the labored efforts of Mr. Seeburger. They usually masquerade as conservatives and protectors of game, and this, in spite of their record of giving the protection "that vultures give to lambs!"

Native game in this country has always been on the road to extinction because the "game shooters" and hunters have had unbridled license to show us how to conserve it with powder and lead and dogs. In the early seventies there was nothing left of the countless millions of American buffalo except their bones scattered all over the prairies of the west as telltale evidence of the savage, wasteful slaughter of "game shooters" conserving game.

There is other game they can no longer conserve because it has succumbed to the ravages of these flesh-eating bipeds. They have conserved out of existence the elk, the antelope and mountain sheep, and the wild turkey and pheasant have about all found salvation at the mouth of gun barrels.

We read "by their fruits ye shall know them." This is their fruit. They profess to be decent and respectable, but they are outlaws. They will shoot game in season and out of season. They will trespass when a farmer is absent from home, regardless of signs of "no hunting allowed," even shooting game in his garden. They shoot wild turkeys that are white or red, and very tame. They are equal to stealing the "livery of heaven to serve the devil in" when they profess to be real conservators of game.

It ought to be hard for them to convince a legislature with no other evidence but skulls and crossbones to verify their hypocritical parading as game preservers.

I don't think there ever was a cause bolstered up by such hair-splitting, by such sophistry and pumpkin-headed argument as is brought forward by these "game shooters." "In breeding, quail consume bugs that should be left as food for other bugs," and "prairie chickens have no place to make their nests." These are samples of the wisdom of "game shooters." It is enough to make one believe that man, or some men at least, did actually descend from baboons.

Now these "game shooters" will doubtless agree with me that there are two agencies at work to make game scarce, viz.: cold winters and hunting. If I subscribe to that, they should. Now, suppose that the hunters get 50 per cent. and the cold winters the other 50, where would we be then? The problem then for the future would be nothing from nothing, and nothing remains. Game would be as scarce as common sense among "game shooters."

It is hard for any one who knows the subject to understand how you can multiply wild game by killing it. These exterminators of game claim it is better to have two agencies at work for its destruction than one, and that killing with a shot-gun makes up for what freezes to death. I believe a donkey would shake his head at that proposition.

* * * * *

Mr. Seeburger claims credit for obeying the migratory bird laws. Being one of the "game shooters" and apologists for them it may be very remarkable that he is a law-abiding citizen.

In conclusion, I want to say that Illinois has a closed season on prairie chickens and they are increasing. They seem to have no trouble to find places to nest. I can take Mr. Seeburger to a farm in Appanoose county where a few years ago they began to protect about a half dozen prairie chickens and on that farm there are now over 200. They nest there.

THE MISTAKE OF THE GAME BREEDERS

THE wave of interest in game breeding that now is spreading over the eastern United States seems destined to do harm as well as good. It is leading state game commissions and large masses of sportsmen to forget that the rock-ribbed foundation principle of continuous game supply is the conserving of the natural stock. It is leading them to think and believe that the human hand can breed and rear game birds faster than the millions of gunners can shoot them!

We do not oppose, or in any sense belittle, the breeding of game. In preserves of all kinds and sizes, national, state or private, it is very desirable, and deserves every encouragement. We are working for the breeding of big game in sanctuaries,—a trifle harder, we think, than any other organization known to us. Our record of work in that line of endeavor will not be impeached.

But we insist that in keeping up the supply of game in any state, the breeding of game on game farms is not the only plan of salvation. There are others, equally important; and I am fearful that many American game breeders are fast losing sight of the necessity to protect and nurse back the native wild stock.

I do not for one moment believe that any members of the Grouse Family,—grouse and quail,—ever can be bred on game farms fast enough to make any impression on the annual supply of birds that may justifiably be killed by sportsmen. Half a dozen good quail hunters and half a dozen dogs can kill, each year, more quail than ten game farms can produce by the best quail-raising methods that have thus far been demonstrated. And as for ruffed grouse, what is the use of debate? Those birds are not at all in the running; and it is yet to be proven that any grouse can be reared in captivity, on a game farm, in sufficient numbers to make the slightest impression on the stock of killable birds.

We contend that the only possible way by which any state can maintain a supply of game birds that properly and rightly may be shot for sport by its citizens lies in *conserving the native species of game birds on a continuing basis*,—that is to say, *a basis of annual increase at least equal to the annual decrease*. For example, the states that still contain sage grouse, or pinnated grouse, should devote their very best thoughts and efforts to coddling those birds “to the limit,” and increasing the dozens to hundreds, instead of wasting large sums of good money in efforts to breed those impossible species while the gunners are getting the last of the wild stock.

And all the states that still contain a sprinkling of quail should strain every nerve to protect, and aid and comfort those quail, and get THEM to restock the state, instead of trying to induce feeble little Mexican quail to migrate 2,000 miles northward, into a sub-arctic climate, and multiply as “gun-fodder.”

It is our belief that for every Mexican quail that succeeds north of Mason and Dixon’s line, a hundred will go down and out.

We believe in the Massachusetts’ plan,—the plan of Dr. George W. Field, Mr. William Brewster, Mr. John E. Thayer and the State Department of Agriculture,—by which the heath hen was saved. With a remnant of only 22 *birds*, but *on their own ground*, they saved the species! They gave those 22 birds a long close season; they enforced the law for their protection; they killed the infernal hunting cats; they killed their furred and feathered enemies, of the earth and the air; and they fed them á la carte in winter. *Now* they have nearly 2,000 birds instead of 22, and they are sending out birds to colonize elsewhere on their own natural range.

This is the sort of game breeding in which I believe for restocking purposes. This is why our first demand in the saving of a vanishing species is for a long close season, *as a beginning for recuperation*. We do not say, however, that that is the Alpha and the Omega of game restoration. Far

from it. But I *do* say that *no restoration of American game birds can succeed without it!*

And now we come to the present attitude of the American Game Protective and Propagation Association, as set forth very clearly by its Second Vice-President, Mr. E. A. Quarles, in its official *Bulletin* for February, 1917, in the following terms:

"It is to be regretted from the standpoint of effective wild life conservation that in many sections of the country closed seasons for long periods are being urged on ruffed grouse and quail, without due regard to local conditions. The motives of those voicing this demand are excellent, but they err in regarding this as a panacea for the existing scarcity of these birds. Their efforts should be vigorously combated. In many instances such a course of action would not only prove ineffectual, but there would be grave danger of its working actual harm where good was expected.'

I think the policy defined above is a mistake, and if adhered to will be disastrous to American game. Mr. Burnham says that he is in favor of enacting long close seasons in regions wherein they are clearly necessary; and that is precisely where we stand, also. We do not ask for them where they are not needed, but so far as upland game birds are concerned, *will some one show me a place north of Mason and Dixon's line in which today they are not needed?*

The making of long closed seasons to save distressed species should be made a leading industry in game conservation. It should not be neglected for any game-breeding that could or should be done, that might succeed and might not. The long close season represents *first aid to the injured*, and that particular tourniquet should be applied quickly and resolutely, before the patient bleeds to death.

If the upland game birds of the West cannot be saved and brought back chiefly through the instrumentality of long close seasons, then they are doomed, like the heath hen, to disappear. This prospect is just as fixed and certain as death and taxes; and the people of the West can take that fact and make use of it, or they can let it alone.

THE NATIONAL EDUCATORS CONSERVATION SOCIETY

A NEW FORCE FOR WILD LIFE PROTECTION.

THROUGH the march of events, the Permanent Fund has been enabled to play a part in the creation of a great force for the conservation of wild life and forests. There is no better place than this, and no better time than the present moment, for recording a brief history of the birth of the new organization.

In November, 1915, MR. NOMER GRAY, Teacher in Public School No. 62, New York City, sought our advice regarding the expansion of a Boys and Girls' Conservation Society, that had been founded by him two years previously, and of which he was president, secretary and financial supporter. Finding that Mr. Gray was aglow with a sincere desire to utilize the schools of the state in furthering the interests of wild life, and was in every sense a pioneer and a reformer, we opened to him a far wider field of usefulness than his association of school pupils ever could occupy. We proposed the creation of a great national body of professional educators, officered solely by active professors and teachers, which should promote the conservation of wild life and forests, partly through educational methods, and partly by aggressive campaign work against the army of destruction.

Mr. Gray immediately sent out to all professors and teachers of New York who were known to be interested in biology, an invitation to attend a meeting for organization in Parlor A in the Hotel Belmont, on January 15, 1916. About 80 persons responded to the call; and the representation from the universities, colleges, high schools, manual and secondary schools, immediately showed that the educators of

America are now quite ready to enter upon their share of the universal conservation task.

With wonderful celerity and precision, a great and potentially powerful organization took tangible form, and stepped into the arena as if by the waving of a magic wand. It reminded one of the birth of Minerva, who stepped in full stature and armed from head to foot, from the brain of Jupiter.

An admirable corps of officers was elected, and 10 presidents of universities and colleges, representing 9 widely-separated states, accepted positions as honorary vice-presidents.

From the prospectus of the Society, we must quote two features:

THE CALL OF DUTY

The National Educators Conservation Society is a new force in the field of conservation of natural resources. It is an initial attempt to capitalize the thoughts, feelings, and aspirations of American educators along lines not pedagogical, but educational in the best sense. It is an attempt to teach our fellow countrymen, that if America is to remain first among the nations, a place on God's green earth where toil receives its highest reward, an effective defense must be built up against those forces which are seeking to destroy the material foundations of society.

America must be taught that, as a free people, our happiness, prosperity, and efficiency must have an economic, as well as an institutional foundation; that this foundation is composed of our natural resources; and that, if this foundation be destroyed, the one erected by man will surely fall.

This organization seeks to defend a very valuable part of our natural foundation,—our wild life and our forests. Speed is a factor, if this part of our foundation is to be saved. The next five years will tell the story, so far as wild life is concerned.

It recognizes that the conservation call is universal; that the burden cannot be shifted upon other shoulders. The program is large. Its epic character calls for collective effort. The professional educator must now play his part. He has an important role. The success or failure of his performance, according to the present dramatic setting, depends upon his conception and interpretation of his lines. This Society has been formed that he may have vision and understanding, as well as courage and conviction. May its high purpose meet with full realization.

The "Creed" of the Society is as follows:

"Our American Institutions are man-made;

Our natural resources are God-given.

The perpetuation of the former depends upon the
the conservation of the latter."

The objects of the Society are well stated in its

CAMPAIGN PLATFORM

1. In view of the manifold dangers now threatening the very existence of our wild life and forests, it now becomes the duty of all educators to enter actively and permanently into the practical work of wild life and forest protection and increase.

2. Speed is a factor of prime importance; and practical results are urgently needed.

3. Practical results are to be sought through educating teachers, school pupils and students into the necessity of conservation, and the methods by which conservation results may best and most quickly be secured.

4. Natural history teaching in the class-room is of great importance and value; but the teacher must now seek to carry the work afield, into the haunts of wild life and wild life destroyers, into legislative halls and even into the courts.

5. Legitimate sport with the gun and rod is to be commended; but such sport is legitimate only when it conforms to the code of ethics that now must be enforced to prevent the extermination of species.

6. The ethics of wild life protection, and the legitimate pursuit of game should be taught by every teacher in America; because through faulty ethics, or none at all, millions of game birds and thousands of game mammals have been and now are being killed contrary to the principles that should govern all sport with the shot-gun and rifle.

7. The enormous value of the insectivorous birds to agriculture, horticulture and forestry must be taught in every school, college and university in America, and every nature study teacher should accept this duty as one of paramount importance.

8. Inasmuch as it is impossible to carry on conservation work on a large scale without the expenditure of money, the necessity for funds in the treasury must be recognized, and the effort to furnish them must be universal and continuous.

9. The following are the lines of activity in which this association will engage:

a. Secure perpetual close seasons for all species of wild life that are threatened with extinction from our fauna.

b. Stop all killing of insectivorous birds for food, and of all birds for millinery purposes.

c. Stop the sale of wild game.

d. Increase the number of game preserves.

e. Promote laws to prevent unnaturalized aliens from owning or using rifles and shotguns.

f. Stop all spring and late winter shooting.

g. Oppose the use of all extra deadly automatic, auto-loading and "pump" guns in hunting, and secure the passage of laws against them.

h. Preserve all forests from wasteful and destructive lumbering and forest fires; and reforest all denuded areas in state and national forests.

i. Protect all harmless flowering plants threatened with extermination.

It is also worth while to reproduce here the roster of officers, as the best possible guarantee of the future usefulness of the organization :

ACTIVE OFFICERS.

CHARLES L. BRISTOL, President, Professor of Biology in New York University, University Heights, New York City.

JAMES E. PEABODY, First Vice-President, Head of the Department of Biology, Morris High School, Boston Road and 166th St., New York City.

JAMES W. TOUMEY, Second Vice-President, Director of Yale School of Forestry, New Haven, Conn.

NOMER GRAY, Secretary, Teacher in the Public Schools of New York City, 30 Essex St., New York City.

JACOB HOLMAN, Treasurer, Teacher in the Public Schools of New York City, 371 Grand St., New York City.

WILLIAM T. HORNADAY, Chief Counselor, Director of New York Zoological Park, New York City.

ABRAHAM GOODMAN, Attorney, Former Teacher in New York Public Schools, 299 Broadway, New York City.

The ink of the constitution was not yet fully dry when the new organization was called upon to join in resisting the savage attack being made in the New York Legislature on the "buck law," which prohibits the killing of female deer. Without a moment's delay 10,000 copies of a large 4-page circular were printed and mailed to the teachers of New York State, giving information and calling for help.

Secretary Gray attended the hearing before the two conservation committees that was held in the Senate Chamber of the Capitol on March 22, and his speech against the Kasson bill made a profound impression. Later on, after the Kasson bill had slipped through both houses of the legislature, in sullen defiance of overwhelming protests, PRESIDENT CHARLES L. BRISTOL went to Albany to present in person to Governor Whitman's legal advisor, MR. LORD, the Society's argument for a veto of the bill. It is our belief that Professor Bristol's representations had more to do with the result (a ringing veto message), than any other appeal made to the Governor.

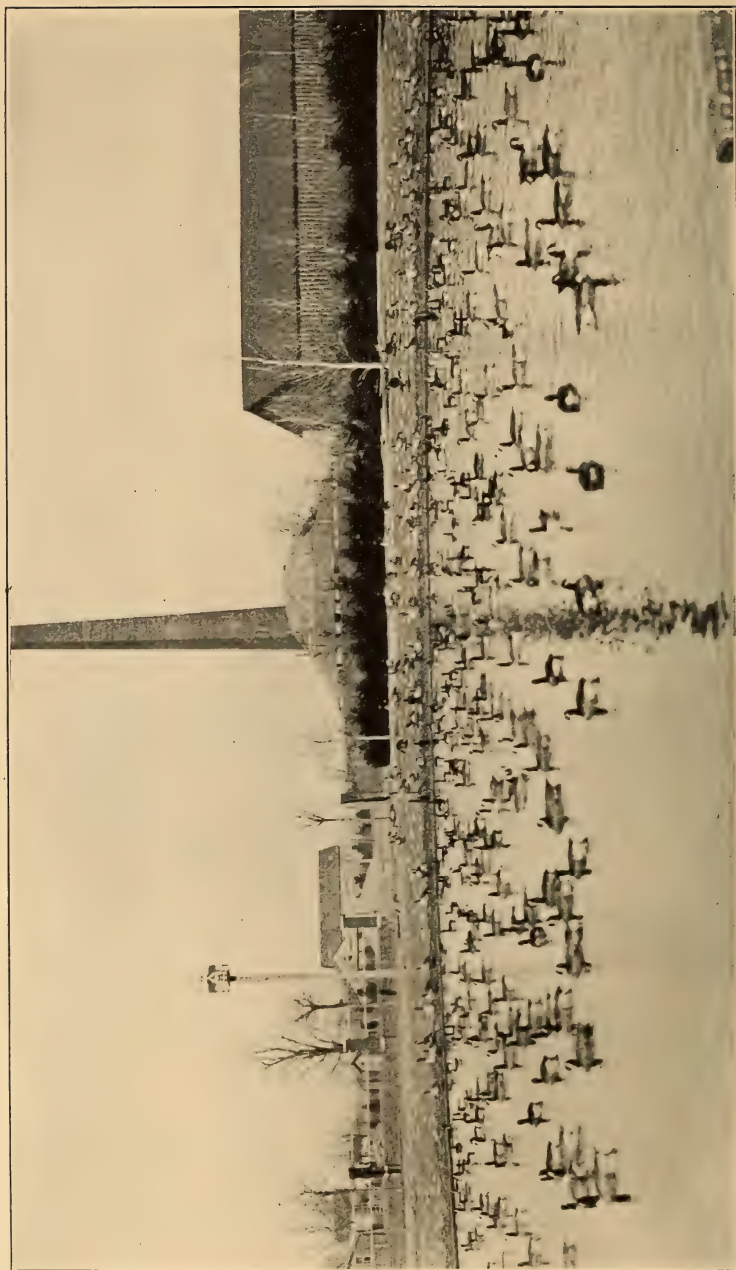
Next in order, the Society arranged for an effective participation, with the conservation issue, in the great annual convention of the National Education Association, which was held in New York during the first week of July, 20,000 strong. Mr. Leon W. Goldrich delivered an address entitled "Conservation of Natural Resources through Education." In addition to that, the Society made an extensive conservation exhibit.

One of the most important services of the Society, up to this time, was in the campaign for the saving of the sage grouse and other upland game birds west of the Mississippi. The Society issued two powerful appeals. One was addressed to the professional educators of 11 states, and the other was to the legislators of those states. Thousands of copies of those circular letters were sent to carefully selected individuals, and beyond a possibility of doubt they contributed to an important extent to the success that was attained.

The Society's practical work developed so rapidly that it was at first impossible for the organization wholly to finance its expenditures from the dues of its members. To facilitate the work, and promote the rapid progress of the Society, the Permanent Fund subscribed various sums to the treasury; and it is our belief that other help of the same kind may profitably be extended in the future, as emergencies arise.

We have said, over and over, that with sufficient Men, Money and Publicity, a good remnant of our wild life can be saved. The National Educators Conservation Society has the Men and the Women, and it knows full well how to secure Publicity. The only thing yet necessary is money; and *that MUST be found!* This organization is too fine and valuable to be hampered for the \$5,000 per year that is necessary for the cost of its campaign work. There are no overhead charges, and the legitimate field of activity is simply boundless!

We bespeak for the Society a generous measure of financial support from the American people at large. It is needless to point out to the readers of this volume what this new organization means in the schools of the United States.



THE MINER WILD FOWL SANCTUARY, NEAR KINGSVILLE, ONTARIO
Now about to be established as an Ontario Government Bird Sanctuary.

TWO REMARKABLE WILD FOWL SANCTUARIES

THE eagerness with which wild ducks and geese recognize safe waters and colonize new sanctuaries, is one of the most astonishing and delightful manifestations of the recognition and acceptance of protection by wild creatures. Of all wild birds and mammals, the web-footed wild fowl are the ones which most quickly and most joyously respond to the hospitality of the man who keeps no shotgun.

We have previously set forth in word and picture the striking illustration found by Mr. Sanborn in the Wichita National Bison Range, at Cache, Oklahoma, where he photographed a remarkable assemblage of ducks. Since that incident, the world has come into knowledge of two others which deserve equal attention.

I. THE MINER SANCTUARY.

At Kingsville, Ontario, which is in Essex County, about 30 miles from Detroit, Mr. J. H. Miner, a maker of bricks and drain tile, drifted into the development of a wild-fowl preserve which has made him famous.

Thirteen years ago Mr. Miner made a small pond in a meadow between his home and his factory, and offered free board and lodging to any wild geese that might offer themselves. In 1904, he bought 7 Canada geese, clipped their wings and placed them on the pond. At that time wild geese were so scarce that no wild ones joined the tame flock until 1908, when eleven came, and remained until May 2, when they went north.

In 1909 thirty came, and tarried until May 2. In 1910 *three hundred and fifty* came, and since that time the annual



ANOTHER OBJECT LESSON IN PROTECTION, ON MERRITT LAKE, IN THE
CITY PARK OF OAKLAND, CAL.

Pintails, Widgeons, Teal, Shovellers, Gadwalls and Mallards.

Photo. by W. W. Richards, Oakland.

flock has steadily increased. "Sometimes," says Mr. Miner, "there are five acres of them. During the last six years, in the months of March and April, I have fed those ducks and geese over 2,000 bushels of corn in the ear. In 1915 alone, I fed them over 600 bushels. In 1917, owing to the high price of corn it will cost me,—or some one,—at least \$350 to buy the corn that those geese and ducks will require."

In due time, Mr. Miner began catching ducks and placing metal leg-bands upon them, in order to gather some records of their dispersal over North America. Up to this date reports of Mr. Miner's tagged birds have been sent to him from the following localities:

Ducks Reported.

Louisiana	Greydon	Kentucky	Paris
North Carolina	Anderson	Indiana	Shelbyville
Tennessee	Martha	Michigan	Rockwood
Tennessee	Cookesville	Maryland	Tylertown
Missouri	Boekertown	Kentucky	Lebanon
Virginia	Saluda	Kentucky	Sanders
West Virginia	Ravenswood	Ohio	Circleville
Ohio	Greeneville	Arkansas	Manila
Alabama	Mobile	Georgia	
North Carolina		Louisiana	

Wild Geese Reported.

Out of only 10 wild geese tagged in 1915-16, six tags have been returned, as follows:

Moose Factory.....	James Bay	Ft. George.....	James Bay
Point Hill.....	James Bay	Nag Head.....	North Carolina
Watts Island.....	James Bay	Currituck Sound,	N. Carolina

Naturally Mr. Miner's great wild fowl sanctuary has attracted considerable attention, and it has been successfully set forth by its owner in illustrated lectures. The latest word is that in order to relieve its gallant founder of the financial burden now involved in feeding rare and expensive corn to the wandering wild-fowl of North America, purely

on a sentimental basis, the government of Ontario is on the point of converting 300 acres of Mr. Miner's farm and adjoining lands with its two ponds, a very large one as well as the small one, into a government bird sanctuary. The plan is well under way, and in short time will no doubt be consummated.

II. AN OBJECT LESSON IN OAKLAND, CALIFORNIA.

In several places in Florida wild ducks have recognized protection, and have taken advantage of it, to an extent both surprising and delightful. Nowhere, however, in any municipality, has there ever developed such an astonishing state of wild-fowl affairs as now regularly obtains in the city park of Oakland, California, on Lake Merritt. Some remarkable pictures of these ducks in flight have recently been made.

The beautiful photographs kindly furnished us by Mr. W. W. Richards, of Oakland, tell their own story, of thousands of pintail, and other ducks, actually crowding the lake and the lawn of a public park. They are closely surrounded by costly buildings, and more or less valuable people, living all unafraid, until the time comes each year to wing their way back to their nesting grounds in the far north, and again take their chances of survival.

GREAT SEIZURE OF SMUGGLED PLUMAGE AT LAREDO, TEXAS

THE following letter from Mr. Edw. Cotulla, Special U. S. Deputy Collector of Customs at Laredo, Texas, gives very admirably the history of the most important seizure of birds' plumage that thus far has been made under the terms of the plumage clause of the tariff law, or for that matter under any other law:

Laredo, Texas, April 2, 1917.

Mr. W. T. Hornaday,
Director of the New York Zoological Society,
New York, N. Y.
Sir:

This office has the honor to acknowledge receipt of your telegram requesting details of seizure of 527 birds of paradise from Mr. Abraham Kallman. In compliance therewith, the following is submitted for your information:

On January 3, 1916, this office received an entry for Immediate Transportation, in bond, without appraisement, No. 16,399 from New York to Laredo, Texas, covering four cases of feathers (light plumes) marked A. K. Nos. 12-15, valued at 1856 pounds, 17 shillings, 10 pence, and consigned to A. Kallman, Mexico City, Mexico.

On January 14, 1916, Warehouse and Immediate Export entry was filed for the four packages of feathers, consigned to A. Kallman, Mexico City, Mexico, the same being exported via International Foot Bridge on January 22, 1916.

Prior to the exportation of the feathers, Mounted Inspector of Customs, Robert Rumsey, Jr., (to whom credit must be given for making the seizure), stated to the undersigned that he had information that four trunks of aigrettes were to be smuggled in from Mex-



GREAT SEIZURE OF PARADISE PLUMES

At Laredo, Texas, on January 29, 1916, Abraham Kalman was caught smuggling into the United States 527 skins of the Greater Bird of Paradise, worth at least \$52,700, for which he paid a fine of \$2,500 and spent six months in jail. The seizure was made by Deputy Collector of Customs, Edw. Cotulla, and Inspectors Robert Rumsey, Jr. and John C. Chamberlain. Photograph made at Laredo.

ico. I stated to Rumsey that in my opinion that was too many feathers of that class to come out of Mexico at one time, but that we had on file an Immediate Transportation entry from New York for four cases of "light plumes," and that probably these would be sent to Mexico and then smuggled back into the United States.

Rumsey was instructed to get busy and find out if possible through his informant if the feathers in bond from New York were to be taken to Mexico, and then brought back; which Rumsey found was really the intention of the owner.

As above stated, the four cases of feathers were exported, and entered at the Mexican Custom House of New Laredo, Mexico, duties being paid thereon.

After being released by the Mexican authorities, the four cases of feathers were packed into a trunk which had been taken from Laredo, Texas, for the purpose. On the night of January 28, 1916, the trunk containing the supposed light plumes was smuggled across the river from Mexico, and placed in a house.

Mounted Inspectors Robert Rumsey, Jr., and John C. Chamberlain kept the house under constant surveillance until about 7:00 P. M., January 29th, when Mr. Abraham Kallman went to the house after the trunk.

Rumsey was instructed by this office to let the party coming after the trunk get actual possession of it before any arrest was made. Mr. Kallman was allowed by the said Mounted Inspector to go to the International & Great Northern Depot, which was about two miles distant from the place of concealment, and he was in the act of getting this trunk checked to leave on the 8:00 P. M. train for San Antonio, and thence to St. Louis and other points, when he was placed under arrest.

Mr. Kallman was brought to the Custom House that night, where he acknowledged that the trunk contained the birds of paradise that were taken across to Mexico a few days prior. Letters, and a statement under date of December 15, 1915, were found in Mr. Kallman's possession, showing that he bought the birds of paradise from Benjamin, Williams & Company, of London, England, but they were originally shipped from British India. His correspondence showed previous dealings in feathers with the same firm.



SLAUGHTERED FOR THE FEATHER TRADE, IN NEW GUINEA

Portion of a shipment of 527 skins of the Greater Bird of Paradise, seized at Laredo, Texas, by U. S. Customs officers, January 29, 1916, and turned over to the New York Zoological Society for educational uses.

At final trial before the U. S. District Court, Mr. Kallman plead guilty and was sentenced to serve six months in Webb County jail at Laredo, Texas, and pay a fine of \$2,500.00. He served his time, and paid the fine through the American Surety Company of New York. The birds of paradise were forfeited to the United States, and ordered sold by the judge. The U. S. Attorney filed an appeal, which was heard at New Orleans, La., the judge ordering the birds turned over to the Treasury Department for disposition.

You will note that seizure was made for 527 birds, two of them being forwarded to the Department by Special Agent for this district.

Credit should be given principally to Mounted Inspector Robert Rumsey, Jr., who secured all information relative to the smuggling, and worked unceasingly, which resulted in the seizure. In this he was ably assisted by Mounted Inspector John C. Chamberlain.

Enclosed is a page from the *San Antonio Daily Express*, dated April 1, 1917. From this you may be able to get some valuable facts for your report. There are some minor points in this article which are not exactly correct. You will find these marked in blue pencil.

Trusting this will give you all the necessary information, I beg to remain,

Respectfully,

(Signed) EDW. COTULLA,
Special Deputy Collector.

In a very excellent and illuminating story of the above seizure that was published in the *San Antonio Express* on April 1, 1917, the narrative closed as follows:

NOW GO TO MUSEUMS.

The total value of these birds was estimated at \$52,700, a sum sufficient to found a retreat for the aged poor, or pay for the college education of 100 boys.

The case received wide publicity through the press. As soon as it became known that the court had ordered the feathers and birds destroyed, requests began pouring into the Treasury Department, from all over the country, that other disposition be made of them.

In consequence the decision was appealed in the United States Court of Appeals at New Orleans, which court ruled such disposition could be made of the birds as was seen fit by the Secretary of the Treasury.

After months of waiting, during which Miss Devine carefully tended the plumage, airing them frequently to keep out various insect pests, orders were received from Washington to ship them to New York.

Here the brilliantly-plumed birds will be taken in charge by Dr. William T. Hornaday, Director of the New York Zoological Society, writer on and champion of wild life, zoologist and ornithologist of distinction, whose eloquent petition, more than any one's else, saved the birds from fiery destruction.

He will make distribution of them to the various museums of the country, where they will be on exhibition for educational purposes.

And possibly, when coming generations will have learned that these beautiful birds, labeled "Paradisian apoda," commonly called "Greater Bird of Paradise," were killed while courting the less conspicuous females, and that as a result the species was almost exterminated, they will have more regard for such few birds as remain than to kill them to satisfy the relentless and often cruel demands of fashion.

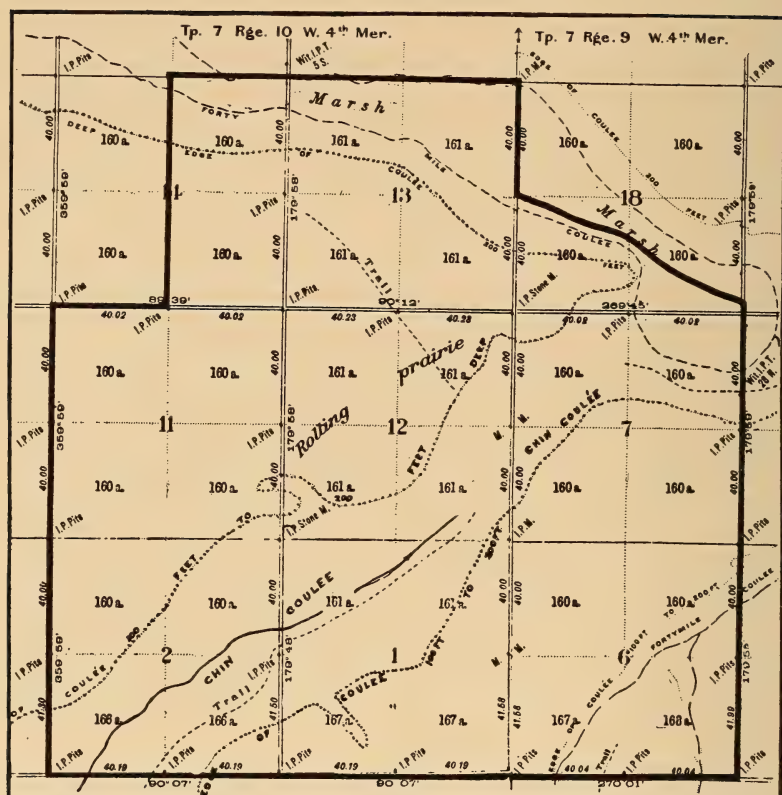
A GREAT ANTELOPE PRESERVE IN ALBERTA

TO the Government of Canada belongs the credit of having created the first great fenced preserve ever made exclusively for the preservation of the prong-horned antelope from extinction. The new establishment is situated in south-eastern Alberta, and it contains 5,000 acres. The moving spirit of it all was Maxwell Graham, Esq., now a Lieutenant in the Canadian Army.

The impending disappearance of the prong-horned antelope, due partly to its lack of hardiness and vigor, but chiefly to lawless shooting, has received important recognition both in the United States and Canada. In the antelope regions of the United States every state which still contains any prong-horned antelope has extended permanent protection to that species.

Efforts have been made to acclimatize the species with other animals in fenced game preserves, such as the Montana National Bison Range, the Wichita Bison Range, and the range at Wind Cave National Park, South Dakota. Thus far those attempts at colonization have not attained a very full measure of success. The prong-horned antelope is so easily injured by accident, so easily discouraged from breeding, and so easily killed by disease, that up to date there appears to be little ground for the hope that the species can be saved in fenced enclosures which contain other species of larger and more vigorous animals.

At all hazards, the governments of the United States and Canada should preserve the antelope from extinction, and perpetuate it. Zoologically it is our most unique and exclusively American-hoofed animal, and its extinction would



CANADIAN GOVERNMENT RANGE FOR PRONG-HORNED ANTELOPE,
IN THE SOUTH-EASTERN CORNER OF ALBERTA

be a loss, a zoological calamity, and a disgrace to all concerned.

The success of the Canadian government in the importation and breeding of American bison, coupled with the threatened extinction throughout the Canadian Northwest of the prong-horned antelope, has impelled the Canadian government to make a determined effort to create an antelope preserve that will be successful. It is indeed high time that efforts of this kind should be made, for the reason that according to the best estimates obtainable through game wardens and the mounted police, the total number of ante-

lope now remaining wild in the Canadian Northwest is less than 1,500 head. The fierce winters of 1906 and 1907 destroyed a very large number of antelopes then living.

In 1914, Prof. Edward Prince, of Canada, said: "In Canada the antelope has been decreasing very rapidly; but if effective measures can be devised, there still is hope that we may save it for the Dominion The real cause of the decline of the antelope is the insatiable greed for heads as trophies, in sportsmen's homes and in social clubs. The prong-horned antelope head is a very beautiful trophy, and realizes quite a high figure in the stores of western taxidermists. The high prices paid for prong-horned antelope heads stimulates every pot-hunter in the West to lose no opportunity of slaying any specimens of the antelope that may appear, and the poor creatures are given no quarter, but are in constant danger of being shot It is a mistake to think that ample space cannot be provided for these animals in our vast territories of Saskatchewan, Alberta and of the north." (*Rod and Gun in Canada*, April, 1914.)

Prof. Prince urged that federal action should be taken, by both the United States and Canada, to form antelope preserves on both sides of the international boundary, and to absolutely prohibit all further killing. This suggestion was unanimously endorsed by the North American Fish and Game Protective Association in the year 1914.

In February, 1913, Capt. John B. Jenkinson, of the Canadian Rifle Brigade, proposed a series of four antelope ranges near Medicine Hat, on the Canadian Pacific Railway, two to be situated on Seven Persons Creek, one on Chin Coulee, and one of very large size on the southern bank of the Saskatchewan River, about thirty miles north of the Canadian Pacific Railway. The existing range apparently coincides with the range proposal marked "C," on Chin Coulee, as indicated on the map accompanying our letter from Capt. Jenkinson, dated February 17, 1913.

In January, 1915, Mr. Maxwell Graham, of the Dominion Parks Branch of the Canada Civil Service, was authorized

by the Canadian Government to select a location for a large antelope preserve in southern Alberta, and submit plans for the establishment.

The result is an ideal range of 5,000 acres, well fenced, and now containing about 50 head of antelope. It is situated 42 miles due southwest of Medicine Hat, 36 miles north of the international boundary, and 54 miles from the eastern boundary of Alberta Province. As the roads run, on section lines, it is 13 miles from the town of Foremost, but only 3 miles north of the C. P. Railway line that runs east from Sterling.

The story of this still unique range is well told by Mr. Herbert Vanderhoof in the May issue of *Outdoor Life* magazine (Denver), and I quote it in full. It is as follows:

"South(east) of Banff, the government has its one herd of wild antelope. There are about fifty of them, the only ones known in Canada. The protected existence of the herd is due to the persistence of Maxwell Graham, chief of the zoological department of the national parks, in a scheme that appealed to no one else as feasible.

"Early in February the Royal North West Mounted Police had reported to J. B. Harkin, Commissioner of Dominion Parks, that a herd of antelope was starving in southern Alberta. They had been trying to get into the straw stacks of the farmers, and had been driven out. By some tangle of red tape it was April before the park commissioner received the report, and Mr. Graham was sent out at once to look after the antelope which are as distinctive of the old West and as rapidly vanishing as the buffalo. Mr. Graham went out, found the antelope, and started to build a corral. Before it was quite finished a chinook came along one night, and by morning all the snow and all the antelope had disappeared. Mr. Graham was satisfied the antelope had gone to their summer habitat near the town of Foremost, and wired the park commissioner for authority to go down there and build a fence around them. The park commissioner, having in his mind a great scorn for the possibility of building a fence around a bunch of wild animals, wired Mr. Graham to come back to Ottawa.

"Mr. Graham went back worried, but not discouraged. He didn't drop the subject. He was determined to look after those antelope in spite of a skeptical government and the frightened little animals themselves. Finally, when Mr. Harkin had been worried with much pleading, he suggested that the zoological chief take his application to the deputy minister of the interior.

" 'I won't sign it,' he said, 'but you take it to the deputy, and if he and the minister of the interior will O. K. it, bring it back and I'll sign it.' He supposed that was the end of the wild antelope fence.

"But to his amazement the application came back with the O. K. of the minister and the deputy, and with the park commissioner's signature, the zoological chief started west again to round up his antelope. During his absence the Indians had made a raid on his elusive little herd. They had shot some and frightened others, but still the shepherd of the antelope was not dismayed.

"He started his fence around nine sections of land. He had a gang of men working swiftly but quietly. Probably no fence ever went up with as little noise and loss of time. Someone suggested that he must have used padded hammers and velvet-headed nails; but however he did it, and he had his antelope safe before another snow fell."

CHRONOLOGY OF IMPORTANT EVENTS IN WILD LIFE PROTECTION AND EXTERMINATION*

From January 1, 1915, to January 1, 1917.

1915

Jan. 1.—The Canadian Government rendered all importations of wild birds' plumage illegal, except the feathers of the ostrich, pheasant, and peacock; of birds used for food, and of specimens for scientific purposes. This was effected by the insertion of the following clause in Schedule C of the Customs Tariff:

“Aigrettes, egret plumes, or so-called osprey plumes, and the feathers, quills, wings, tails and skins or parts of skins of wild birds, either raw or manufactured.”

Thus Canada complemented the action of the United States, and thus was closed all of North America above Mexico to all further importations of wild birds' plumage for the feather trade.

Various dates, 1915.—During the year 1915, various orders prohibiting the exportation of plumage, either of all wild birds or scheduled species, were issued in the following colonies: Mauritius, Seychelles, Straits Settlements, Bermudas, Virgin Island, Dominica, St. Helena, Solomon Islands, the Gilbert and Ellice Island protectorates, Barbadoes and the Gold Coast, West Africa. Similar enactments were previously in force in Australia, New Zealand and India.

Jan. 6.—The importation of quail from Mexico into the United States was prohibited by order of the Secretary of Agriculture, on account of a reappearance in Mexico of the “quail disease.”

Jan. 8.—Prof. C. F. Holder and his Wild Life Protective League (of Pasadena, Calif.) won a notable victory over the Italian and Japanese fishermen, and the 13 tuna canning industries of Santa Catalina. The fight was made to save the tuna of Santa Catalina—the most famous big-game fishing grounds in the world,—from extermination, by stopping netting operations. The California State Fish Commission sided with the commercial fishermen, but Prof. Holder and his friends succeeded in passing their bill stopping the netting of tuna in Santa Catalina Bay, even for use as bait.

*In the preparation of this Chronology the Campaigning Trustee gratefully acknowledges the receipt of valuable cooperation from Dr. Theodore S. Palmer of the U. S. Biological Survey, and Dr. C. Gordon Hewitt, Secretary of the Canadian Interdepartmental Advisory Board on Wild Life Protection.

Jan. 10.—The Campaigning Trustee of the Permanent Wild Life Protection Fund issued an illustrated circular letter demanding long closed seasons for mountain sheep (5 or 10 years) in Wyoming, Montana, Idaho, and Washington, the only states of our country still permitting the killing of sheep.

Jan. 10.—Wyoming reported that her law forbids the consideration of any bills that have not been introduced in the legislature prior to Jan. 11! On account of that very remarkable long close season on legislation, a bill for the saving of the mountain sheep of Wyoming cannot be considered until **1917!**

Jan. 12.—A campaign for the creation of a great series of game sanctuaries in national forests was inaugurated at the Annual Meeting of the New York Zoological Society. The following resolution was presented by W. T. Hornaday, seconded by Col. Theodore Roosevelt in a very forceful address, and adopted:

“Whereas, It appears that the killing for sport and for food of game birds and mammals in the National Forest Reserves is destroying the wild life much faster than it is breeding, and over wide areas the final disappearance of many species is impending, now therefore be it

“Resolved, That the New York Zoological Society recommends that the Federal Government take immediate steps to convert any or all of the forest reserves of the United States into game refuges, for such period and to such extent as is necessary to assure the preservation of threatened species, and the continuance of the game supply of the surrounding districts.”

Jan. 19.—Prof. Lewis Lindsay Dyche, State Game and Fish Warden of Kansas, died at Lawrence, Kans. Until 1909, for a period of about 24 years, Professor Dyche had been a Professor of Zoology and Museum Curator in the University of Kansas. He had traveled extensively in North America as a zoological collector, and his collections constitute the chief features of the Snow Hall of Science at the University.

In 1909 an effort was made at Topeka to destroy the machinery of the State of Kansas for wild life protection, by cutting the salary of the State Game Warden. In that crisis the Governor requisitioned Prof. Dyche of the University, to fill the office at the expense of the University, and thwart the enemies of wild life. From 1909 Prof. Dyche filled the office with vigor and ability, until his death. He was the indomitable foe of game exterminators, and he held the entire confidence of the various Governors and the best people of the state. His most conspicuous single piece of work was the planning and constructing of the very extensive fish hatcheries at Pratt, Kans.

Professor Dyche was born in West Virginia, on March 20, 1857. About two weeks before his death he was bitten by a Gila monster, but it has been definitely ascertained from his physicians that that accident did not cause his death.

Jan. 20.—By Executive order, Dungenness Spit and Ediz Hook, on the coast of Washington, were established as bird reservations.

- Feb. 15.—A knock-out blow was dealt the market-gunning industry that for many years had been carried on, on an enormous scale, in the northeastern corner of Arkansas, where the famous "Sunk Lands" are situated. For years there had existed a special provision in the State law by means of which certain townships in Mississippi County were permitted to export ducks and other wild fowl that had been killed for the game markets. On the date named, in the case of the Jonesboro, Lake City & Eastern Railway Co. vs. Adams, the Supreme Court of Arkansas declared the law unconstitutional; which effectually closed the Sunk Lands against the market hunters.
- Feb. 16.—In Idaho the State Legislature created, in Adams County, the Black Lake State game preserve.
- Feb. 24.—The Oregon legislature enacted a law (Chapter 287) reorganizing the State Game Commission, and making the Governor of the State ex-officio chairman of that body.
- Feb. 24.—The State of Vermont enacted a deer law (No. 176) providing for an open season on female deer during the regular deerhunting season of 1915. This was rendered necessary because under forty years of strict protection does had become so numerous, and so persistent in trespassing in gardens and orchards that it became necessary to reduce their number to a reasonable limit.
- Feb. 25.—The legislature of Wyoming, having found that several years of protection had brought back the almost-extirminated moose in north-western Wyoming, enacted a law providing for the killing of 50 bull moose, each under a license costing \$100. This step is by many friends of big game regarded as unwise and deplorable, on the ground that moose in Wyoming are as yet by no means sufficiently numerous to justify an open season.
- March 5.—Indiana enacted a law (Chapter 54) wisely prohibiting the use of searchlights on automobiles for the purpose of hunting game along highways.
- March 5.—Thanks to the efforts of Mr. John G. Brown, attorney-at-law, Helena, the Montana legislature enacted a law giving the mountain sheep and goats of that state a three-year close season, or until Oct. 1, 1918.
- March 11.—Idaho also enacted a law (Chapter 90) prohibiting the killing of mountain sheep, and females and young deer and elk, for an indefinite period. This leaves only two states delinquent in the matter of mountain-sheep killing,—Wyoming and Washington.
- March 11.—Arkansas enacted a law (Chapter 124) establishing for the first time a game and fish commission,—a very important step forward.
- March 11.—North Dakota enacted a law (Chapter 162) affording deer a five-year close season, or until Nov. 20, 1920. Thus, one by one, do the deer-slaughtering states recognize the handwriting on the wall, and recognize the necessity to end all deer-

hunting to save the deer from complete local extinction. How much better it would be to put on the brakes earlier, by limiting the number of deer killable each year, on a basis that would preserve the sport of deer-hunting.

March 18.—New Mexico enacted an excellent new game law (Chapter 202) removing antelope, bob white, pigeons and swans from the list of killable game, and giving those species an indefinite long close season. It was also provided that no woman may hunt without a license.

March 20.—In the U. S. District Court of Kansas, in the case of U. S. vs. McCulloch, wherein the case presented by the prosecution was weak, the decision of the Court was that the federal migratory bird law is unconstitutional. There is reason to believe that the case of *The People* was not well prepared, and that under the circumstances an adverse decision was to be expected.

March 22.—On account of the alarming decrease of moose in Maine, the legislature of that state felt forced to enact a law (Chapter 146) prohibiting all moose shooting for four years.

March 24.—Missouri enacted a law prohibiting the use of motor boats in hunting on the Mississippi and Missouri Rivers. It is the expectation that this action,—if complemented by similar action in Illinois,—will cause the Secretary of Agriculture to reopen wild-fowl shooting on the rivers named for the regular season.

March 26.—Nevada stepped backward by enacting a vicious and inexcusable law (Chapter 277), removing protection from female deer, and beginning anew the killing of antelope.

March 27.—On the Little Miami, Ohio, a sanguinary battle occurred between a party of four deputy game wardens, headed by Louis Kuertz, Federal Warden, and the fish poachers. Two of the poachers, James L. Liming and Charles Farrar, Jr., who resisted arrest by firing at the game wardens with revolvers, were killed, and the third one was captured. The coroner's jury exonerated the game wardens.

March 31.—The state of Maine enacted a law (Chapter 288) harmonizing the state law with the regulations of the federal migratory bird law in the matter of open and closed seasons on migratory game.

April 2.—On a date only one remove from All Fool's Day, the State of Ohio enacted a law (H. B. 24) specifically permitting the shooting of water-fowl in March.

April 5.—In an outburst of reckless generosity toward wild life, Oklahoma enacted a law (S. B. 333) providing that of the fund derived from hunting license fees, 75 per cent shall be paid out for roads and bridges, and 25 per cent may go for game protection! Oklahoma is the first state to put the price of the blood of her slaughtered innocents into such sordid causes as roads and bridges. During the last two years severe criticisms have been made by reliable men of Oklahoma regarding the contempt for game laws, intimidation of wardens by politicians, and overlenient judges and juries in that state.

April 16.—The New York legislature enacted a law abolishing the three-headed State Conservation Commission, and creating a Commission with a single head.

April 19.—The Governor of New York, Charles S. Whitman, appointed George D. Pratt of the Brooklyn Pratt Institute, and President of the Camp-Fire Club of America, State Conservation Commissioner. Marshall McLean was appointed Deputy Attorney General, for the service of the Conservation Commission, and Augustus S. Houghton was appointed Secretary to the Commission.

April 20.—Five dealers in millinery supplies were raided yesterday and the city office of the State Game Conservation Commission captured \$10,000 worth of aigrettes. The dealers not only permanently lost these ornaments, but became liable to a general fine of \$60 each and an additional penalty of \$25 for each bird. The State law makes possession of aigrettes for purposes of sale a misdemeanor.

Forbidden goods were located, according to the raiders, in the shops of Thomas Reilly, No. 9 West 33rd Street; L. Yarmus, No. 63 Clinton Street; Goldstein & Metz, No. 73 West 116th Street; R. Harris, No. 17 Clinton Street; and M. Finkelstein, No. 103 Delancey Street. Those stocks were seized.

April 20.—New Jersey enacted an excellent law (Chapter 355) prohibiting aliens from hunting, and from even possessing firearms unless they own \$2,000 worth of real estate free from encumbrances. This law is the answer of New Jersey to the murder, in 1914, of Game Warden John C. Reinbold by an Italian alien, who was hunting without a license, and who through the inefficiency of the District Attorney of Rockland County, New York, was able to escape to Italy, and live beyond the reach of the United States.

April 27.—New Hampshire advanced by enacting a law (Chapter 133) harmonizing the season on migratory game birds to make the State law conform to the regulations of the federal law. In all states that have taken this enlightened action, an adverse decision by the U. S. Supreme Court is forestalled.

April 24.—Minnesota replaced her board of three game and fish commissioners with a single commissioner.

May 18.—Wisconsin enacted a "buck law" (Chapter 102) prohibiting the killing of does and fawns.

May 19.—California divided herself into 30 game and fish districts.

May 19.—The legislature of Connecticut passed a most wicked and unprecedented law (Chapter 308), providing that all land owners may kill deer with shot-guns on their own lands, **all the year around**, and regardless of sex!

June 1.—Pennsylvania enacted a law (No. 644) prohibiting aliens from owning or hunting with dogs. An excellent law.

June 1.—**At last** the state of Illinois enacted a no-sale-of-game law, thus closing the largest remaining game market. It is reason-

ably certain that during the past forty years "the Chicago market" has been the direct cause of more hoggish and wasteful game-slaughter throughout the Middle West than any other four cities in the United States. Had that market been closed thirty years ago, there would now be thousands of game birds in the Middle West where today there are only dozens. The hunting was done systematically, by experienced men, freely using the telegraph to locate birds, and sweeping over the country like a pestilence. Now the Chicago market may well be closed,—when there is mighty little more game-bird life left to feed it.

June 10.—In Ottawa the Privy Council of the Canadian Government by a lengthy formal resolution approved both the letter and the spirit of the treaty proposed by the U. S. Government for the international protection of migratory birds, and ordered that the same be forwarded directly to the British Ambassador at Washington for ratification.

June 10.—Conference on the elk problem of the Yellowstone Park region held in New York by invitation of the Forest Service and the Biological Survey.

June 14.—The State of Florida stepped backward (Chapter 6,969) by abolishing the office of state game commissioner, and foolishly declaring the title to the game of the state to be vested in the various counties. Why not townships, or school districts? This crazy law puts a premium upon neighborly judges and juries, and extermination. Any state that can pass such a wicked and foolish law deserves to be as barren of wild life as the Sahara Desert.

June 15.—The Canadian Government forwarded the draft of the treaty for the international protection of migratory birds to Sir Cecil Arthur Spring-Rice, for ratification.

June 16.—Lake Minnetonka Game Refuge was established in Minnesota, near Minneapolis, embracing Lake Minnetonka and its environs, to the extent of 64,000 acres. The lake is quite surrounded by summer homes. This really great sanctuary was created chiefly through the efforts of the Minnesota Game and Fish Protective League, and particularly its President, Clinton M. Odell, Vice-president Charles D. Velie and Field Superintendent Frank D. Blair. For this campaign, and the first pay of a game warden, the League raised and expended over \$5,000.

July 4.—Mr. Samuel Thorne, a Founder of this Fund, died at the age of eighty years. During the last ten years of his life Mr. Thorne was keenly interested in wild life protection, and was a liberal supporter of that cause. In critical periods he never failed to give substantial aid.

July 12.—Holland takes a step of far-reaching importance for the preservation of the birds of the East Indies. The exportation of all wild birds' plumage and skins, save three species, is prohibited everywhere throughout the Dutch East Indies,—a vast tropical archipelago 3,000 miles long by 1,100 miles wide at the

widest point. It is stated, in Holland, that in all probability the exempted bird species soon will be included in the terms of the embargo. This action was brought about through the diligent action of Dr. C. Kerbert, Director of the Zoological Gardens of Amsterdam, and Dr. J. C. Konigsberger, Director of the Botanical Gardens at Buitenzorg, Java.

July 15.—Wisconsin enacted a law (Chapter 406) merging the offices of game warden, fish commissioner and several other departmental offices into a State Conservation Commission, with one commissioner.

July 15.—The State Supreme Court of Maine, in the case of the State vs. Sawyer, declared the federal migratory bird law unconstitutional.

Aug. 2.—By Executive Order No. 2230 the President created the Big Lake Reservation for the protection of waterfowl and other birds in north-eastern Arkansas. It consists of a strip of marsh and overflowed lands ten miles long and an average width of a little more than one mile. This famous breeding-ground for ducks and geese has long been a shambles for the slaughter of waterfowl for the Chicago market. Its conversion into a bird reservation will be of great benefit to legitimate sport with the shotgun.

Aug. 27.—In Minneapolis, before a body of 227 Minnesota sportsmen, William T. Hornaday opened his platform and press campaign for the creation of game sanctuaries in National Forests, and for six-year close seasons for sage grouse, prairie chickens, all other grouse and quail.

Aug. 27.—The Minnesota State Game Protective League was organized at Minneapolis, with 7 organizations represented. This organization is destined to stop much of the game-killing going on in Minnesota and threatening the local extinction of several game species at an early date.

Sept. 2.—Col. Robert B. Woodward, President of the Brooklyn Institute of Arts and Sciences, died in Cooperstown, N. Y., aged 75 years. Col. Woodward was for many years a liberal patron of both art and science, and also of the protection of wild life. He became a subscriber to the Permanent Wild Life Protection Fund at a period when his friendship was greatly needed.

Sept. 7.—The National Association of Game and Fish Commissioners met at the Panama Exposition, San Francisco.

Sept. 15.—In Wyoming the newly authorized open season on bull moose opened for the first killings since 1898.

Oct. 12.—The Supreme Court of the United States affirmed the constitutionality of the Pennsylvania law prohibiting the use of automatic guns in hunting. The case was the state of Pennsylvania vs. Macomb. On application of the defendant the appeal was dismissed. The effect of this action is to render final the decisions of the courts against the use of automatic guns in any state wherein such use is forbidden by law.

- Oct. 16.—The Supreme Court of the United States took up the test case on the constitutionality of the federal migratory bird law, the *United States vs. Shauver*. Briefs on the constitutionality of the law were filed by the Department of Justice, Mr. E. Marvin Underwood, Assistant Attorney General; for the New York Zoological Society and the Boone and Crockett Club, by Charles Stewart Davison; for the Camp-Fire Club of America by Edwin W. Sanborn, Julius H. Seymour, William B. Greeley and Marshall McLean, and for the American Game Protective Association by W. S. Haskell. Briefs against the law were filed by E. L. Westbrooke, and D. C. Beaman, of Denver.
- Nov. 4.—The proposed new Constitution for the state of New York, containing a wild life clause very objectionable to many game conservationists, and openly opposed by sportsmen throughout the state, was beaten at the polls by about 450,000 majority.
- Nov. 17.—The Permanent Wild Life Protection Fund was completed by the Campaigning Trustee up to the minimum limit of \$100,000. The work of raising this Fund required a little more than two years.
- Dec. 10.—Bulletin No. 1 published by the Permanent Wild Life Protection Fund, giving a preliminary report on the field work of the Campaigning Trustee throughout the states westward of the Great Plains in behalf of the plan for game sanctuaries in national forests. Twenty-three lectures and addresses were given in 11 states.

During the year 1915 the Dominion Parks Branch of the Department of the Interior, under the direction of the Commissioner of Parks, Mr. J. B. Harkin, continued active measures for the protection of wild life. The most important step taken was the enclosure, by Mr. Maxwell Graham, in charge of the Animal Division of the Dominion Parks Branch, of a herd of antelope near Foremost in southern Alberta, by the construction of a twelve-mile fence around a herd of 42 animals. The area enclosed is over 5,000 acres in extent, and includes suitable summer and winter pasture. The herd now (1917) numbers over 50 animals.

Steps were taken in the establishing of bird sanctuaries in western Canada, where 12 areas in Saskatchewan and 11 in Alberta were reserved from settlement with a view to creating bird sanctuaries on those areas found most suitable for that purpose.

1916

- Jan. 1.—During the last three months of 1915, a great awakening of interest in wild life conservation took place in New Mexico. The movement began on October 14, and it was due to the initiative of C. A. Ringland, District Forester, E. N. Kavanagh, Acting District Forester, Aldo Leopold, of the Forest Service, Prof. John D. Clark, University of New Mexico, and R. B. Stamm and E. J. Strong of the Albuquerque Game Protective Association. The membership of that Association was increased from 35 to 135, and that of the Santa Fe Association was increased to 245. Through the travels and missionary work of

Mr. Leopold, 7 new game protective organizations were created at the following places: Silver City, Carlsbad, Magdalena, Roswell, Clouderoft, Taos and Raton. A campaign periodical called "The Pine Cone" was started, and about 200 campaign articles were published in New Mexican newspapers.

Jan. 1.—A new law was scheduled to go into effect in Italy on this date prohibiting the killing of any song and insectivorous birds for food. This is a revolutionary step. Just how it was made has not yet been discovered.

Jan. 3.—Edw. Cotulla, Special Deputy Collector of Customs at Laredo, Texas, received an entry for transportation in bond from New York to Laredo, covering four cases of feathers described as "light plumes," valued at £1,856. 17s. 6d., and consigned to Abraham Kallman, Mexico City, Mexico.

Jan. 4-5.—Senator George E. Chamberlain, of Oregon, and Representative Carl Hayden, of Arizona, introduced in their respective Houses of Congress a bill for the creation of game sanctuaries in National Forests, closely following the lines of "the Hornaday plan" as set forth and supported in the West. (S. 3,044; H. R. 6,681). The Senate Bill was referred to the Committee on Forest Reservations and the Protection of Game, and the house bill went to the Committee on Agriculture.

Jan. 10.—Maps were furnished by three districts of the Forest Service showing that Colorado and Wyoming should have 26 game sanctuaries, Oregon and Washington, 18, and New Mexico and Arizona, 13.

Jan. 15.—Bulletin No. 2 of the Permanent Fund was published "for the information of Congress," in support of the game sanctuary cause.

Jan. 15.—The Permanent Wild Life Protection Fund assisted in organizing the National Educators Conservation Society at the Hotel Belmont, New York City. Officers for first year: President, Prof. Charles L. Bristol (N. Y. University); First Vice-President, for Wild Life, Prof. James E. Peabody (Morris High School); Second Vice-President, for Forestry, Prof. James W. Toumey (Yale Forest School); Secretary, Nomer Gray (P. S. 62, New York); Treasurer, Jacob Holman; Chief Counselor, W. T. Hornaday; Attorney, Abraham Goodman.

This organization is intended to arouse the professional teachers of the United States to the necessity of entering actively into the practical work of promoting the protection and increase of our wild life and forests.

Jan. 22.—Four packages of feathers, unopened, were exported into Mexico at Laredo, Texas, via the International Foot Bridge.

Jan. 28.—A large trunk believed to contain the "light plumes" exported in bond to Mexico by Abraham Kallman, was smuggled across the Rio Grande at a ford about two miles from the city of Laredo, and hidden in the underbrush on the American side. Mounted Customs Inspectors Robert Rumsey, Jr., and John C. Chamberlain observed the operation, and kept the trunk under constant surveillance.

Jan. 29.—Abraham Kallman hauled the smuggled trunk to the railway station at Laredo, and when about to have it placed on the train for San Antonio he was arrested. An examination of the trunk revealed the presence of 527 skins of the greater bird of paradise, which had been purchased from Benjamin, Williams & Co., of London, England, and originally were shipped from British India.

At the trial before the U. S. District Court, Abraham Kallman pleaded guilty, was sentenced to serve six months in the Webb County jail at Laredo, and to pay a fine of \$2,500. He served his term, and the fine was paid through the American Surety Company of New York. The birds of paradise were forfeited to the United States, and were ordered sold. The United States Attorney General filed an appeal, which was sustained, and the Court ordered that the birds be turned over to the Treasury Department for disposition.

In order that the seized plumage might serve a useful purpose, the Treasury Department ordered that the entire lot be turned over to the New York Zoological Society for educational purposes.

Feb. 12.—The international treaty for migratory birds was found at the offices of the British Embassy at Washington, and the British Ambassador immediately forwarded the document to the State Department.

Feb. 12.—On account of 20 linguistic changes advised by the Solicitor of the Department of Agriculture, in the Chamberlain-Hayden bill, Senator Chamberlain incorporated two of the proposed amendments, and reintroduced his bill (S. 4,418).

Feb. 17.—For the same reason Representative Hayden reintroduced his bill in the House (H. R. 11,712); and it was referred to Committee on Agriculture, as before.

Feb. 17.—The British Ambassador forwarded to the State Department the draft for an international treaty for the protection of migratory birds that was approved by the Privy Council of Canada in June, 1915. British Columbia and Nova Scotia made certain exceptions to portions of the draft.

Feb. 28.—The United States Supreme Court announced that the case of the United States vs. Shauver, involving the constitutionality of the federal migratory bird law, will be re-argued. Presumably the Court stood evenly divided (4 to 4) on the appeal. The rehearing must await the appointment of the ninth judge.

Mar. 1.—The Virginia legislators of 1915-16 enacted 31 separate bills, each one either protecting game generally for the state or specifically in some county. The laws passed provided for a state game commissioner, the prevention of the sale of the plumage of any bird not a game bird, the prevention of the sale of wild turkeys, and for the making of a game sanctuary in the Massanutten Forest Reserve. Unfortunately, all the other laws enacted were county laws. In some counties deer were protected for various periods, ranging from three to five years.

Mar. 18.—A census of the prong-horned antelope species in New Mexico was completed, through the joint efforts of the State Game Warden, the New Mexico State Game Protective Association, and the U. S. Forest Service. In 1914 the State Game Warden estimated the number at 2,000. In 1910 the Biological Survey made an estimate of 1,300 head. Both these estimates were quite near the actual facts. The census recently completed reveals, after the most careful canvass possible, 1,740 head, in 38 herds, occupying ranges aggregating about 2,500,000 acres. "The condition of 30 of the 38 herds is not known, but of the remaining herds 70 per cent are reported decreasing, or stationary in number." See "The Pine Cone" for April 1916.)

March 24.—The very objectionable deer law of New Jersey, enacted in 1915, permitting the killing of female deer and fawns was repealed. Its sponsor, Senator John A. Ackley, took a leading part in securing its repeal. The cruelty and destructiveness of the law proved to be intolerable.

April 8.—Fifty elk from the Yellowstone Park were liberated in the Adirondacks, by the New York State Conservation Commission. Forty-four were set free at Carlos Clearing, Saranac Lake, and six at Long Lake West.

April 14.—The Rhode Island legislature enacted the Wilbur bill, providing in an adequate manner for search without warrant, and with force if necessary, of boats, vehicles, cars, receptacles and packages of all kinds believed to contain game or birds killed or possessed contrary to law. The search of a building requires a warrant. Commissioners and their deputies shall not be required to furnish sureties to cover court costs, "or be liable for costs on such complaint."

Hawks (except fish-hawks) owls, crows and crow black-birds may be killed at any season by any person on his own land.

April 20.—The regular annual attempt of the guides and other residents of the Adirondack region to repeal the New York buck law, and provide for the killing of female deer and fawns in the state of New York was successful in the Assembly, but was defeated in the Senate. Thereafter, during the closing hours of the session, and through the efforts of Assembly Speaker T. C. Sweet, of Oswego County, the Kasson repeal bill was reconsidered, and by a "quick roll-call" was rushed through the Senate, and passed by that body..

April 24.—Through the judicious and tireless efforts of Dr. M. Llewellyn Raney, Librarian of Johns Hopkins University, assisted by Talbott Denmead and J. Hammond Brown, the Maryland legislature passed the following laws:—1.—The Audubon model law. (Bobolinks, however, remain in the game list.) 2.—Closed season on deer and elk for six years. 3.—Present bag limits reduced; and limits imposed where formerly they were lacking. 4.—Export of all game prohibited, except waterfowl. 5.—Power-boat hunting restricted to one corner of the Chesapeake, and confined to use over decoys. 6.—Right of search without warrant given to officers, and the privilege of swearing out a search warrant granted to everybody. The gunners' license bill was defeated by a vote of 51 to 43.

May 1.—The state of Mississippi enacted a new law, in 25 sections, for the conservation and protection of wild birds and wild animals and fish. It provides for the establishment of a department of game and fish; for the appointment and subsequent election of a State Game and Fish Commissioner; for the creation of a game and fish protection fund; for the appointment of game wardens; for the more thorough protection of birds of all kinds, and for a tax on dogs. This act is of far-reaching importance to the state of Mississippi, and corrects many shortcomings that previously had existed in the statutes of that state. To Hon. W. I. Speairs, Representative from Marshall County, very great credit is due for the enactment of the new law. Mr. Z. A. Brantley, a lawyer, was appointed State Game and Fish Commissioner.

May 15.—Governor Charles S. Whitman vetoed the Kasson bill (Assembly 2,067), permitting the killing of female deer in the Adirondacks (1 deer regardless of sex), in the following opinion:

"No person can conceive of a surer way of exterminating deer than that provided under the proposed bill which permits the killing of the breeders. I believe that the genuine sportsmen of the state are in favor of the retention, without change, of the present so-called 'buck law.'

"In eighteen states, including New York, the killing of female deer is prohibited by law. For New York to step out of this column of states would, in my judgment, be a long step backward in the matter of conservation, and I believe that this state cannot afford to offer such an example as this to the world.

"The number of hunting fatalities in this state is considerably lower than in states without such a law as the present one, the theory being that a hunter who has to look carefully enough to ascertain whether the animal at which he is about to fire has horns is not likely to mistake another hunter for a deer."

May 20.—Mr. Stanley Clisby Arthur, State Ornithologist of Louisiana, in company with Edward Butler and John M. Dudley, discovered a large, hitherto unknown egret and heron rookery near Jackson, La. The discovery was made while the party was on a tour of inspection for the purpose of locating possible sites for interior bird refuges to be taken over by the state. The rookery was hidden in a cypress brake of between 20 and 30 acres, and was so surrounded by matted "cut grass" as to be seemingly impenetrable. Concerning it, Mr. Arthur officially reported that "the heronry has, at the very lowest estimate, ten or fifteen thousand herons nesting there. . . . The nesting birds included little blue herons, snowy herons, American egrets, great blue herons, Louisiana herons and little green herons. The most astonishing thing was the observance of a great white heron and another of a species known as Wuerdmann's heron. . . . Last year the great white heron was reported by conservation agents as having been seen on the wild life refuges along the Gulf of Mexico, but the observance in East Feliciana is the first authentic record."

May 25.—Two brothers named Bird were caught killing elk for their teeth in Jackson Hole, Wyoming, by Deputy Game Warden C. P. Sorensen. Later they escaped and went into Utah, where they were again apprehended and returned to Wyoming. Claude Bird stood trial, was found guilty and sentenced to from 18 months to 2 years in the penitentiary, and assessed with the cost of his trial. Roy Bird pleaded guilty, and received a sentence of from 1 year to 18 months in the penitentiary.

June 1.—Through the energetic efforts of Miss Katherine Minahan, of Orange, New Jersey, the "National Bird Sanctuary Associates" was organized and "incorporated for non-profit." The objects of the organization are:—"A national campaign in favor of bird conservation; to promote the establishment of bird sanctuaries throughout the country, especially along the Lincoln Highway, and to arouse the public conscience to a greater desire of freedom and sanctuary for the birds."

June 5.—Through personal investigations made in the field during the breeding season of wildfowl, Dr. George W. Field, of Boston, caused Missouri and Kansas to be placed permanently in the "breeding zone" as established by the Department of Agriculture for the migratory birds of the United States.

July 1.—After a prolonged contest in the Louisiana legislature, an excellent wild life act was passed. It reduced the 3-headed commission to a single commissioner, and Mr. M. L. Alexander, of the outgoing body, was appointed Commissioner. In effect the entire organization was taken out of politics.

A very bad law, permitting the killing of 50 seagulls per day, was repealed, and the following species were given continuous close seasons until 1919: prairie chickens, upland plover, kildeer plover, wild turkey hens and ring-necked pheasants. Much credit for the new law is due to Stanley C. Arthur, State Ornithologist.

July 5.—The amended international treaty for the protection of migratory birds arrived the second time in Washington from Canada.

July 10.—The appropriation of \$50,000 for the enforcement of the federal bird law came before the U. S. Senate, in the Agricultural bill. For two hours and forty minutes Senator Reed, of Kansas City, Mo., made a bitter but weak attack on the law, and moved to strike out the appropriation. Senator McLean made an admirable fifteen-minute speech defending the law; and the vote was 52 to 8 in favor of the appropriation and the law, and against Mr. Reed and his constituents who desire to kill waterfowl in their breeding-season.

August 15.—The United States accepted cession, by the state of Washington, of Mt. Rainier National Park. This bit of history will serve to illustrate the effect of being obliged to wait for a state legislature to take action on a national park or game preserve. The congressional act creating the Mt. Ranier National Park was approved by the President on March 2, 1899! During all that time the Secretary of the Interior had no power to protect the game and fish of that national park save by remov-

ing trespassers who were found hunting and fishing. Meanwhile, in other respects Mt. Ranier Park has been a going concern, and the public could only wonder why the game and fish were not fully protected by the national government on the same basis that obtains in other national forests.

Aug. 15.—So far as we are aware, the first step for the permanent preservation of the pinnated grouse in a preserve was made in Minnesota by the Polk County Game Protective Association, which established in the vicinity of Crookston, the best chicken country of Polk county, a prairie chicken sanctuary. It consists of four townships lying west and southwest of the city of Crookston, and its area is six miles wide by 24 miles long. It is the belief of the Crookston sportsmen that a fair and thorough trial should be made of the sanctuary plan before closing shooting for a period of years.

August 16.—The migratory bird treaty with Canada was signed at the State Department, Washington, by Secretary Lansing and the British Ambassador, Sir Cecil Arthur Spring-Rice.

August 21.—The new "Regulations for the Protection of Migratory Birds," for 1916-17, were published by the Department of Agriculture.

August 21.—The bird treaty was sent to the Senate by the President, and referred to the Committee on Foreign Relations.

August 23.—The Committee on Foreign Relations favorably reported the treaty to the Senate, in charge of Senator James A. O'Gorman, of New York.

August 28.—The Conservation Commission of Canada, (James White, Deputy Head, Ottawa,) issued a Report on "The Conservation of Fish, Birds and Game in Canada." 8vo, 218 pages, ill. Cloth. Price 50 cents.

August 29.—The Senate in executive session ratified the treaty by a two-thirds vote, the way to which had been carefully prepared by Senator George P. McLean, of Connecticut. Senator Geo. P. McLean's resolution providing for the negotiating of that treaty was passed by the Senate on July 7, 1913; and thus it appears that the treaty has been pending for more than three years.

September 12.—The Forestry Branch, Department of the Interior, Canada, (Ottawa), published a Report on "Game Preservation in the Rocky Mountains Forest Reserve," by W. H. Millar. 69 pp., ill. and map. It proposes the creation of three large game preserves.

September 13.—An important and startling report on "The Decrease of Birds in South Carolina," by Miss Belle Williams, Secretary of the South Carolina Audubon Society, was published by the University of S. C., Columbia. 8vo., 69 pp., (See at end of this volume).

Sept. 29.—According to the *Detroit Journal*, a sportsmen's organization of Escanaba, Michigan, decided to advocate in the next legislature of Michigan, a bill for a close season on all game in the upper peninsula of Michigan. This, it is claimed, is necessary because of the gradual decrease in the game of that part of the state, and the consequent fear of the hunters that game will entirely disappear from the state in a few years unless it is protected. The movement has the support of the *Marquette Chronicle*, and it is noteworthy as being the first instance wherein an organization of sportsmen has made a movement for the enactment of a close season on all game throughout an extensive area.

Oct. 1.—The State Conservation Commission completed and published a census of the deer of New York, as observed and counted, and also partially estimated, by about 200 state game wardens and forest rangers. The total shows 20,541 bucks; 12,382 does without fawns; 29,697 does with fawns, and 31,322 fawns seen and counted. Of the deer seen and positively identified as to sex, there were 42,079 does and 20,541 bucks, making two does for each buck identified.

This is exactly one-half the proportion of does to bucks that obtains in the best deer forests of Austria and Germany, where deer-breeding has been brought to a high state of perfection. It effectually disposes of the contention of the Adirondack guides that there are now so few bucks that a great many does are "barren."

The total number of deer for the state as a whole is reported to be 93,942.

Oct. 15.—The census of the game animals in the National Forests of Colorado, made by the U. S. Forest Service, reveals the presence of 2,971 elk, an increase of 17 per cent over the preceding year; 7,482 mountain sheep, an increase of 5 per cent; 26 antelope, a decrease of 17 per cent; 21,501 mule deer, an increase of 9 per cent; 10,295 beaver, an increase of 16 per cent; 1,665 black or brown bears, an increase of 11 per cent, and 126 silver-tip, an increase of 1 per cent. It is to be observed that all these increases, except of bears, is due to the fact that no hunting of any of the big game mentioned is now permitted in the state of Colorado.

Oct. 17.—The Pisgah National Forest in North Carolina was created by Presidential proclamation. It contains 80,000 acres, and is situated ten miles from Asheville. Two hundred and twenty-five acres are now being enclosed with an 88-inch fence for a national bison range, into which elk also will be placed.

Nov. 1.—After a careful survey of the wild life situation in Arizona, Mr. Aldo Leopold, of the U. S. Forest Service, Albuquerque, publishes the following statement:

"Without any doubt four of Arizona's most valuable species,—the mountain sheep, the antelope, the javelina or pecary, and the Sonora deer,—are hovering on the verge of extermination. Moreover, the blacktail deer and the turkey are about to become extinct in the southern parts of the state

Turkey may indeed be said to be totally cleaned out south of the Mogollon Rim.

"White-tailed deer are holding out better. Like the rabbit, they live in the dense brush and survive by hiding out. Quail are doing well except near the larger towns, where they are getting thinned out."

Nov. 1.—During nearly twenty years of protection the beaver and otter of the Province of Ontario, Canada, increased to such an extent that the provincial government found it desirable to resume commercial trapping, from November 1 to March 1. The government wisely exercises strict control over the number that may be taken, by the issue of royalty permit coupons at 50 cents each, and limiting the number that may be issued. An Indian duly provided with royalty permit coupons may take 10 pelts either of otter or beaver, and a white man may take only 10 beaver or 5 otter. Pelts are salable only to licensed fur dealers, in the Province.

Thus has Ontario practically developed the principle on which all killing of protected animals, after long closed seasons, should be based,—a strict limitation of the annual number that may be taken.

Nov. 7.—Four new game protective associations have been formed in Arizona. Many improvements in the game laws were voted upon by the people at the general election, and carried by a large majority, against the opposition of the old Arizona Sportsmen's Association. A buck law was enacted, and the bag limit on deer was reduced to one per year.

Dec. 2.—The news reached New York from London that the King of England had signed the treaty between Canada and the United States for the protection of migratory birds, and that the treaty was then at the British Embassy, in Washington.

Dec. 6.—The final ratifications of the migratory bird treaty were exchanged, in Washington.

Dec. 10.—Two professional market hunters of wildfowl in Louisiana, John Cognerich and E. L. Rhodes, published a statement in the *New Orleans Picayune* in which they estimate the number of professional market hunters in Louisiana at between 800 and 1,000! They protest against being put out of business by any new laws, and vehemently protest against any and all interference with their present privilege to slaughter game for profit.

Dec. 28.—The Canadian government, by an order in council, appointed an Interdepartmental Advisory Board on Wild Life Protection, consisting of James White, Assistant to the Chairman of the Commission on Conservation; Dr. C. Gordon Hewitt, Dominion Entomologist; D. C. Scott, Deputy Superintendent General of Indian Affairs; Dr. R. M. Anderson, Geological Survey, and J. B. Harkin, Commissioner of Dominion Parks. Mr. White is Chairman of the Board and Dr. Hewitt is Secretary, and these officers also represent the government on the Permanent Consultative Commission for the International Protection of Nature.

The functions of the newly-created Advisory Board consist in giving advice to the government of Canada regarding the protection and utilization of the wild life of Canada and the northwest territories; of advising in the administration of the Northwest Game Act, and also concerning the enforcement of the international treaty for the protection of migratory birds now in existence between Canada and the United States.

Dec. 31.—In the annual report of game killed in the National Forests of New Mexico and Arizona during the open season of 1916, the U. S. Forest Service gives the following figures: In New Mexico: Deer, 618; turkey, 549; bear, 37; coyotes, 1,084; wolves, 117; lions, 48. In Arizona: Deer, 827; turkey, 344; bear, 25; coyotes, 280; wolves, 28; lions, 39.

1916.

The Canadian Commission of Conservation, on the recommendation of Dr. C. Gordon Hewitt, adopted a resolution calling for the amendment of the Northwest Game Act, to provide greater protection for the Barren Ground caribou and musk-ox, and the provision of reserved areas for the latter animal.

The Province of Ontario amended its game laws, providing among other things for the following: (1), the prohibition of the sale or purchase of game; and (2), the prohibition of the carrying of arms by employees in lumber camps, a practice which has been responsible for the destruction of large quantities of game, such as deer and moose, in many parts of Ontario.

The Province of Manitoba created a large game preserve known as the Cedar Lake Reserve, northwest of the northern end of Lake Winnipeg, and 3,240 square miles in area. In this region wild fowl breed in very great numbers. Additional wild life preserves were declared by the Province of Saskatchewan.

1917.

The Province of Manitoba amended its game laws, and in addition to other progressive steps declared an absolute close season on wapiti. The seasons on prairie chicken and grouse were also closed indefinitely.

The Province of Alberta decided to extend the close season on antelope to 1922.

The Dominion Government appointed as Consulting Zoologist, Dr. C. Gordon Hewitt (Dominion Entomologist), the duties of the office being to advise in the protection of birds and mammals, and in the treatment of noxious species.

In March, 1917, the buffalo enclosed in the Dominion Parks had reached the following numbers:

Buffalo Park, Wainwright, Alta.....	2,470
Elk Island Park, Alta.	125
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Total, 2,611

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PERMANENT WILD LIFE PROTECTION FUND

BULLETIN No. 1

DECEMBER 10, 1915

OUR CAMPAIGN FOR GAME SANCTUARIES
COMPLETION OF THE PERMANENT FUND
WILD LIFE WEST OF THE GREAT PLAINS
THE MIGRATORY BIRD LAW
SUPPRESSION OF THE PLUMAGE TRADE IN
THE DUTCH EAST INDIES
ALARMING DEER SITUATION IN NEW YORK

By
WILLIAM T. HORNADAY,
Campaigning Trustee

NEW YORK ZOOLOGICAL PARK

1915

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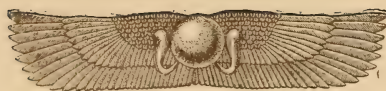
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Total Permanent Fund, December 1, 1915, \$101,345.

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PERMANENT WILD LIFE PROTECTION FUND

BULLETIN No. 1

DECEMBER 10, 1915

OUR CAMPAIGN FOR GAME SANCTUARIES

AFTER weeks of careful preparation, the Campaigning Trustee started on Aug. 25 to open in the states west of the great plains a campaign for the making of a great number of game sanctuaries in national forests. The keynote of the effort was "the increase of big game on a food supply basis." The effort was wholly financed by this Fund; and this was rendered possible by a special gift of \$2,000 to our annual campaign fund, generously bestowed by "A Defender of Wild Life," in Washington, D. C., who insists upon remaining anonymous.

Between Aug. 25 and Oct. 17 we visited, for campaign purposes, Minnesota and each one of the twelve states west of the plains except Nevada. Twenty-three addresses were delivered, in Minneapolis, Denver, Cheyenne, Salt Lake City, Pocatello, Helena, Seattle, Portland, San Francisco, Berkeley, Los Angeles, Pasadena, Tucson, Phoenix and Albuquerque.

In the next volume of the Biennial Statement that campaign will be reported upon in full, but for the present this preliminary report can touch only the most important features.

From beginning to end, the reception of the plan was cordial, and in many places enthusiastic. With only two or three exceptions, the audiences were highly satisfactory;

but none of them contained more than a sprinkling of sportsmen. In fact, the killers of game were conspicuous by their absence. Not only were the majority of the audiences large, but they contained the representative men and women, both in business and the professions, that we particularly desired to reach.

The friends of wild life in the various cities visited rendered their very best co-operation, and all along the route, save in San Francisco, the press gave our cause generous publicity. The lectures given were illustrated by lantern slides; and many pictures from them, showing recent game slaughter, and the results of game protection, were published in the newspapers.

At each point visited the "leading citizen" element was strongly in evidence, and the local auspices were everything that could be desired. For example, at Denver the lecture was given under the special patronage of the Colorado Museum of Natural History and the Colorado Mountains Club; at Seattle it was the Mountaineers Club and the Seattle Park Commission; at Portland the State Fish and Game Commission took charge; at Berkeley the University of California was the sponsor for our cause, and in the Panama Exposition we were under the wing of the United States Government. At Los Angeles the California Audubon Society was our host, and in Pasadena the Throop Institute of Technology. At Tucson we enjoyed the joint hospitality of the University of Arizona and the Desert Botanical Laboratory. At Phoenix our chief patron was no less a personage than the Governor of Arizona, Hon. Geo. W. P. Hunt, aided by the State Game Warden's office.

At Albuquerque the speaking tour ended under the joint auspices of the U. S. Forest Service, the University of New Mexico and the Albuquerque Gun Club. Elsewhere will appear a list giving a few of the names of the western men and women who toiled to make the presentation of our cause satisfactory and successful. To thank them adequately is almost impossible.

From the beginning down to the present hour, the U. S. Forest Service has striven with unflagging zeal and energy to promote this cause. Having helped to formulate the plan, Chief Forester Henry S. Graves sincerely believes in the correctness of the principles laid down, and their entire workability for the benefit of the people most nearly concerned. Under the leadership of the Chief Forester, many other officers of the bureau have put forth vigorous efforts to place the plan before the people of the West, and to contribute important facts and figures to the general campaign.

The campaigning trustee was supplied with valuable maps, and letters of introduction to western forest officers and others, and he remembers with particular pleasure the active co-operation of A. F. Potter, Associate Forester; District Foresters Smith Riley (Colorado), Thos. P. MacKenzie (Oregon), C. A. Ringland (New Mexico), and Officers Aldo Leopold and Way.

Throughout the entire trip, the only note of opposition that thus far has been heard has come from the *San Francisco Examiner*, the newspaper that for three years has fought the California friends of wild life and advocated the sale of game. Just why that particular journal should adopt that course while Mr. Hearst's other newspapers warmly endorse and sometimes aid the protection of wild life, we cannot understand.

Up to date the governors of seven of the twelve states west of the plains have cordially endorsed our plan. The states thus represented are Arizona, New Mexico, Montana, Wyoming, Washington, Oregon and Colorado. Many newspapers in that region have given our cause their editorial endorsement, and we are in possession of nearly 1,000 written pledges of support from the leading business and professional men of the Rocky Mountain and Pacific States. All these evidences of approval, with a far-reaching letter of endorsement from ex-President Roosevelt, will be laid before Congress in January, with our bill.

We are also in receipt of resolutions of endorsement from numerous civic and scientific bodies, and public welfare societies.

On the whole, our campaign is progressing most satisfactorily. In December our bill will be presented in Congress under the best auspices we can command, with exhibits; and already we are assured of much Congressional support.

Although the names of many cattle and sheep owners appear among our pledges of support, it is quite possible that some of the western wool-growers' associations will, on general principles, go on record in Congress in opposition to our cause. If that contingency arises, we will, of course, endeavor to meet it squarely. Our plan is so thoroughly clear, open and above board, and it so carefully avoids all conflict with the very necessary agricultural and stock-growing interests, it is really difficult to imagine how any serious objections to it can be made.

The complete "plan," as agreed upon informally by the officers of the U. S. Forest Service, the Biological Survey and the Campaigning Trustee, is given below. Colloquially and in the newspapers its short title is "the Hornaday Plan;" but whenever our bill is introduced in the U. S. Senate it will automatically take the name of the senator who acts as its sponsor. The plan is as follows:

(1) A federal law empowering the Secretary of Agriculture to select and delimit areas in national forests suitable for game sanctuaries. (2) These sanctuaries shall be established by presidential proclamation. (3) These sanctuaries shall be so located that they will not occupy lands chiefly suitable for agriculture. (4) These sanctuaries shall be located where they will interfere to the least extent practicable with the grazing of domestic stock, especially the stock of actual settlers. (5) These sanctuaries shall be established with the approval of the governor of each state concerned. (6) It is expedient to establish a large number of sanctuaries of medium size rather than a few large preserves. (7) The ideal condition would be a chain of sanctuaries which in time would restore game to

all the intervening territory. (8) Administration will be vested in the Secretary of Agriculture. (9) Boundaries are to be settled after full consideration of all conditions. (10) Predatory animals are to be killed. (11) The object of these sanctuaries is to provide breeding places for game which will spread over adjacent territory, where it will be subject to the regular open season provided by law. This will prevent danger of overstocking the ranges. It will therefore not be the general policy to extend these sanctuaries.

THE WORKERS IN THIS CAUSE

In order that no one may for one moment acquire or entertain the idea that this is a one-man cause, and particularly in order to point out where the credit is due for the success of our western campaign, the following list of workers and supporters is offered. Incidentally, also, it is an exhibit of the kind of interest that the West is taking in the idea. Unfortunately, however, it is impossible to mention here even one-half of the persons who should be mentioned in connection with this campaign.

These are the names of the men and women who have worked hardest, up to date, and here are the names of the newspapers that already have entered heartily and generously into the important business of giving the publicity of which the plan stands in need:

WASHINGTON, D. C.

DR. HENRY S. GRAVES, United States Forester.

A DEFENDER OF WILD LIFE. Cash for the Campaign, \$2,000.

Albert F. Potter, Associate Forester (in charge of grazing).

Henry W. Henshaw, Chief, U. S. Biological Survey.

E. W. Nelson, Assistant Chief, U. S. Biological Survey.

George Hewitt Myers.

MINNESOTA

Clinton M. Odell, Pres., Minnesota Game and Fish Protective League.

Frank D. Blair, Field Supt., Minnesota Game and Fish Protective League.

W. B. Chamberlain, Associate Editor of the *Journal*.

Minneapolis Journal.

Minneapolis Tribune.

Minneapolis News.

St. Paul Pioneer Press.

COLORADO

GEORGE A. CARLSON, Governor.

Wm. C. Bradbury, Railway Contractor, Denver.

John D. Figgins, Director Colorado Museum of Natural History.

James Grafton Rogers, Pres., Colorado Mountains Club.

Roger W. Toll, Vice-Pres., Colorado Mountains Club.

E. R. Warren, Colorado Springs.

Judge D. C. Beaman, Attorney-at-law, Denver.

Denver News.

Denver Post.

Denver Times.

Colorado Springs Gazette.

IDAHO

Drew W. Stanrod, Jr., Attorney-at-law, Pocatello.

Dr. O. B. Steely, Physician, Pocatello.

R. H. Palmer, Lawyer, Pocatello.

Pocatello Daily Chronicle.

WYOMING

HON. JOHN B. KENDRICK, Governor.

I. S. Bartlett, State Board of Animal Protection.

WYOMING FEDERATION OF WOMEN'S CLUBS, now circulating petitions to Congress, asking for the passage of our bill!

Robert N. LaFontaine, Mayor of Cheyenne.

Burke H. Sinclair, Secretary to the Governor.

Howard Eaton, Wolf.

Dr. F. A. Hodson, Sheridan.

Wyoming State Leader, Cheyenne.
Wyoming Tribune, Cheyenne.

UTAH

Claude T. Barnes, Salt Lake City.
Herald Republican, Salt Lake City.
Salt Lake Tribune, Salt Lake City.
Deseret Evening News, Salt Lake City.

MONTANA

HON. S. V. STEWART, Governor.
John G. Brown, Helena.
Ex-Senator Joseph M. Dixon, Missoula.
Daily Independent, Helena.
Montana Daily Record, Helena.
Daily Missoulian.

WASHINGTON

HON. ERNEST LISTER, Governor.
Charles F. Munday, Park Commissioner, Seattle.
The Mountaineers Club, Seattle.
Daily Intelligencer, Seattle.

OREGON

HON. JAMES WITHYCOMBE, Governor.
William L. Finley, State Biologist, Portland.
Henry L. Pittock, *Portland Oregonian*.
Thomas P. MacKenzie, U. S. Assistant District Forester.
Geo. P. Putnam, Secretary to the Governor.
Portland Oregonian.

CALIFORNIA

SAN FRANCISCO AND BERKELEY

The University of California, Berkeley.
Prof. W. L. Chandler, Calif. Inst. Pub. Health.

Dr. Harold C. Bryant, Biologist, State Game Commission,
Ferdinand Martens, Berkeley.

Prof. Henry Clay Hall, Pres., Wild Life Defenders.

San Francisco Call.

San Francisco Bulletin.

SANTA CRUZ

Harry Harper, Sec'y, California Wild Life Defenders.

Mrs. Josephine Clifford McCrackin, *Santa Cruz Sentinel.*

A. A. Taylor, Redwood Park Commissioner.

Walter R. Welch (Stockton).

Santa Cruz Surf.

Santa Cruz Sentinel.

LOS ANGELES

Mrs. Harriett Williams Meyers, Pres., California Audubon
Society.

Dr. William Niven.

G. W. Parsons.

Los Angeles Times.

Los Angeles Examiner.

Los Angeles Herald.

PASADENA

Throop College of Technology.

Dr. James B. Scherer, Pres., Throop College of Technology.

Charles Frederick Holder (deceased), Pres., California
Wild Life Protective League.

Prof. Garrett Newkirk.

ARIZONA

TUCSON

The University of Arizona.

Dr. R. B. von Klein Smid, Pres. U. of A.

The Desert Botanical Laboratory.

Dr. Daniel T. MacDougal, Director Desert Botanical
Laboratory.
The Tucson Luncheon Club.

PHOENIX

HON. GEO. W. P. HUNT, Governor.
G. M. Williard, State Game Warden.
D. E. Pettis, Deputy Game Warden.
Mrs. M. B. Craig.
Arizona Republican.

NEW MEXICO

HON. WM. C. McDONALD, Governor.
The University of New Mexico, Albuquerque.
The United States Forest Service, Albuquerque.
C. A. Ringland, U. S. District Forester.
E. N. Kavanagh, Forest Service.
Prof. John D. Clark, University of New Mexico.
Aldo Leopold, Forest Service (on Wild Life).
Albuquerque Game Protective Association.
Rio Grande Gun Club, E. J. Strong, President.
Raymond B. Stamm, Rio Grande Gun Club.
Albuquerque Morning Journal.
Albuquerque Evening Herald.

At the last moment before going to press we can report that the condition of the campaign is very satisfactory. Hour by hour and day by day the cause is gaining strength and momentum. A draft of a bill embodying the "Plan" is now nearly ready, and with it there will be laid before Congress a special Bulletin of information.

Our plan avoids the mistakes of other plans that have been presented to Congress for the creation of national forest game preserves; it frankly takes care of the grazing industry, and if our bill can by human power be brought to a vote, we believe that it will be passed in 1916.

COMPLETION OF THE PERMANENT FUND

With feelings of profound thankfulness we now are able to announce that the goal of \$100,000—the “minimum” of our endowment—has been reached. This altogether happy culmination, during a period when humanitarian causes generally are in straits for new funds, was achieved chiefly through the efforts of the Founders of 1914. The number of subscriptions that have been increased, and the great amounts of those increases, have been unprecedented in our experience.

The inflow of increases was started by Mrs. Russell Sage, the Guardian Angel of the Birds, who in this field of endeavor is always foremost. Like a burst of sunshine coming through a leaden cloud, she voluntarily—and unexpectedly—raised her original subscription from \$10,000 to \$25,000. Shortly following that Mr. Alex. Smith Cochran, Mrs. William H. Bliss, Mrs. Richard T. Auchmuty and Mr. Henry M. Hanna became Founders.

On Aug. 17, only one week before we were to take the long trail westward, Mr. William P. Clyde declared that “The Trustees of this Fund simply *must* have all the money they need in their work,” and raised his subscription from \$1,000 to \$5,000! This emboldened the Campaigning Trustee to mention the subject anew to five other Founders; and during that eventful week *four* of them willing and cheerfully followed Mr. Clyde’s example. With other and smaller subscriptions, this left only \$5,000 more to raise. At the close of the western tour, the canvass was again taken up, with the result that on Wednesday, November 17, Mr. George D. Pratt (New York State Conservation Commissioner and President of the Camp-Fire Club) covered the entire remaining shortage with an additional subscription of \$2,000.

And thus has closed our long and arduous two years’ quest for permanent campaign funds. The goal has been reached, much sooner than seemed possible when we

issued The Statement, last January, with \$48,000 to be found. During all that long period our "pride" has been locked up in a dark closet, and our "feelings" have been torn to shreds by surprises and disappointments!

But the end is worth the effort—a hundred times over. Our belief that the best people will continue to stand by our wild life has again been justified by a fine result. Like Mercutio's wound, "Tis not so wide as a church door, nor so deep as a well; but it is enough."

We can "get along" on \$5,500 per year for campaign expenses; and we will! While we could to excellent advantage expend fully \$10,000 per year in the defense of wild life, we will *ask* for no more. If any more funds are offered us, either for our endowment, or for annual campaign work, we will thankfully accept it and put it to work. I do entertain the hope that many persons who thus far have given nothing to the wild life cause will some day, in some manner, be impelled to do something. We hope that voluntary subscriptions and bequests will some day increase our endowment fund to \$200,000; but we refrain from asking for more. Let us thankfully make use of the power that has been given us.

SUBSCRIPTIONS SINCE PUBLICATION OF "THE STATEMENT"

SUBSCRIPTIONS INCREASED

MRS. RUSSELL SAGE, New York.....	\$15,000
WILLIAM P. CLYDE, New York.....	4,000
JOHN D. ARCHBOLD, New York.....	4,000
WILLIAM H. NICHOLS, New York.....	4,000
GEORGE F. BAKER, New York.....	4,000
GEORGE D. PRATT, New York.....	2,000
MISS HELOISE MEYER, Lenox, Mass.....	1,000
EDWARD S. HARKNESS, New York.....	700

FREDERICK F. BREWSTER, New Haven, Ct.	500
JOHN J. PIERREPONT, Brooklyn, N. Y.....	500
MRS. ETHEL R. THAYER, Boston, Mass.....	200
HENRY A. EDWARDS, Albany, N. Y.....	200
MISS ELIZABETH S. EDWARDS, Albany.....	100
AUDUBON SOCIETY, Pasadena, Calif.....	20

\$36,220

NEW SUBSCRIPTIONS

ALEX. SMITH COCHRAN, New York.....	5,000
“A DEFENDER OF WILD LIFE,”	
Washington, D. C.	3,000
MRS. WM. H. BLISS, New York.....	1,000
MRS. R. T. AUCHMUTY, New York.....	1,000
HENRY M. HANNA, Cleveland, Ohio.....	1,000
EDMUND C. CONVERSE, New York.....	1,000
“A FRIEND OF WILD LIFE,”	
Berkeley, Calif.	500
CAMP-FIRE CLUB OF MICHIGAN, Detroit.....	100
J. E. ROTH, Pittsburgh, Pa.....	100
DR. W. J. HOLLAND, Pittsburgh, Pa.....	100
JOHN H. EAGLE, New York.....	100
DR. ARTHUR W. ELTING, Albany, N. Y.....	100
EVERSLEY CHILDS, New York.....	100
ALFRED COLLINS, Philadelphia, Pa.....	25
ALAINE C. WHITE, Litchfield, Conn.,	
through Conn. D. A. R.	20

\$13,145

Subscriptions acknowledged in

“THE STATEMENT”

51,980

\$101,345

CONDITION OF WILD LIFE WEST OF THE GREAT PLAINS

No one can visit the states west of the great plains, and come in touch with twelve state game commissioners and other friends of wild life, without acquiring some very definite impressions regarding the present status of wild life in those states. From facts and figures thus obtained on the spot, there is small chance to appeal.

Summed up in a few words, I have returned from my tour of the far-western states with a feeling of profound depression, and the conviction that outside of the actual game sanctuaries the wild game of the West now is being swept away, by guns and automobiles, so fast that in a few brief years those plains, mountains and forests will be swept as clear of killable game as the Desert of Sahara.

Nowhere, outside of the game preserves, is there the slightest indication that any game which can legally be hunted is breeding as rapidly as it is being killed. For every man who will say that "the game is holding its own," there are at least ten who will say: "The game is going, fast!"

In Colorado, as late as 1900 teeming with what seemed to be an inexhaustable supply of deer, all deer shooting is now prohibited. The people of Colorado have been forced to give their remnant of deer a long close season, to ward off their complete extermination!

Everywhere, save in two localities that we will not name, the small remnant herds of prong-horned antelope are reported to be "decreasing all the time;" and this in spite of the fact that no antelope hunting is permitted anywhere in the United States. The decrease is due to illegal killing, and to the wolves and coyotes.

Although the sage grouse now exists only in pitiful remnants (in all save three or four spots), no state has yet given that fast-vanishing species a long close season. In each one of the states that still contains a few of these

fine birds, we demanded the enactment at the next legislative session of a 10-year close season law. In some states the sage grouse is certain to be exterminated, at an early date; for only a very few of the states will accord the long close season in time to save the remnant. The automobiles of the hunters are now a great curse to these birds and to others.

Three states—Wyoming, Idaho and Washington—still permit mountain sheep hunting. Unless long close seasons are granted at once, the mountain sheep will totally disappear from those states, and very quickly.

In 1914 about 14,000 deer were killed in California, and only a confirmed optimist can believe that that number of fawns were born in that year. From California the deer and quail are rapidly going; and the disgrace and curse of the sale of game is over all the state.

Throughout my entire journeyings through the great Plains, the Rocky Mountain and Pacific states, I did not see more than 2,000 wild birds, all told, and only 35 wild mammals. Of the latter 19 were jack rabbits, and the remainder were small burrowing rodents, mostly ground-squirrels. Although I made a zoological reconnaissance of seven days by automobile through about 300 miles of the Sonoran Desert, in southern Arizona, I saw not one deer, antelope, wolf, coyote or fox. In a ride of 30 miles through the National Forest above Golden, near Denver, I saw only one wild mammal—a chipmunk, and 7 birds.

Along the railways of Minnesota, Iowa, Nebraska, Montana, Colorado, Idaho, Washington, Oregon and California the absence of wild birds (in August and September) was horrible! Even the magpie has not escaped.

At the last moment, I am in receipt of the following confirmatory letter from Mr. Henry W. Shoemaker, a subscriber to this Fund, who has recently completed a long tour through the West:

"I note what you say regarding the decrease of wild life throughout the West. As collector and compiler of unwrit-

ten history, asking questions is my specialty, and I questioned everybody in every locality I have visited on game conditions. All told the same doleful story of the scarcity of wild life. There are too many professional hunters, too many pot-hunters, too many U. S. Government hunters, too many wasteful eastern hunters and too little cover. Those in my mind are the chief causes for the decrease in wild life in the West. In the old days, when the predatory animals existed *and there were fewer hunters*, there was lots of game. I think that the men of the West are all wrong, as it is themselves and no other cause worth mentioning that has made game so scarce. Predatory animals are unjustly blamed, and posterity will acclaim them so when it is too late. Reduce indiscriminate killing and the game will be saved."

In some of the states visited, I found prevailing a feeling of hopeless resignation in regard to wild life. Naturally, in the lectures given local conditions did not escape attention, and the rights of the wild creatures were *demande*d at the hands of those who may be looked to as their keepers. For the efforts that were made to arouse the people of the West regarding their wild life, scores of men and women expressed their gratitude and appreciation.

Already there are five more organizations for the protection of wild life than existed in the West prior to our tour. These are located in Minnesota, Idaho, California and New Mexico. with one more promised in Wyoming. In Minneapolis, on the day of our visit, there was organized the Minnesota Game Protective League, which marks the beginning of a serious state-wide movement for the saving of the game of Minnesota on a permanent basis. In Idaho, Mr. Drew W. Stanrod, Jr., a young lawyer of Pocatello, has gallantly set out to champion the wild life cause in that state, and he is mentally, physically and financially equipped to win valuable results.

Several discouraged organizations were stimulated to take fresh courage and go on; and offers of financial help

from the Permanent Fund were made to some associations that stood in need of encouragement beyond mere words.

Naturally it is our intention to keep in touch with our friends in the West and Southwest, and when the next legislatures of those states again meet to do business, we think that they will hear in no uncertain terms from the local defenders of wild life.

THE FEDERAL MIGRATORY BIRD LAW

On Oct. 12 the federal migratory bird law came before the United States Supreme Court, on trial for its life. Four excellent briefs were presented in behalf of the birds, as follows:

For the Government, by Assistant Attorney General E. Marvin Underwood.

For the Camp Fire Club of America, by E. W. Sanborn, Julius H. Seymour and Marshall McLean.

For the New York Zoological Society and The Boone and Crockett Club, by Charles Stewart Davison.

For the American Game Protective and Propagating Association, by William S. Haskell.

It seems impossible to suggest a point in favor of the constitutionality of the federal law that is not amply covered in at least one of the four briefs. Everything that could be done to defend the law has been done.

As yet no decision has been handed down. Some good judges regard the chances for an adverse decision as being 3 to 1. After reading the three briefs in our possession, we believe that the chances in favor of the law are 2 to 1; which means that *we expect a decision favorable to the birds.*

If the law is destroyed by an adverse decision, all self-respecting states that have not already done so will voluntarily so amend their laws that they will continue to carry

out the existing federal regulations. There are at least four states that we can name that will joyously and exultingly re-open spring shooting, and slaughter ducks and geese every spring until May 1. But we will await the event before naming those states.

SUPPRESSION OF THE PLUMAGE TRADE IN THE DUTCH EAST INDIES

The Government of Holland has taken steps of vast importance to the birds of her East Indian possessions. The great archipelago known as the Dutch East Indies, stretching from New Guinea to Sumatra and including both, has a total length of 3,000 miles, and a breadth from north to south of about 1,100 miles.

In the summer of 1913 we memorialized the Royal Zoological Society of Holland and urged that steps be taken by that society to induce the Netherlands government to stop the exportation of all wild birds' plumage intended for commercial purposes from all the islands of the Dutch colonial possessions. A campaign to accomplish that purpose was immediately undertaken in Amsterdam, and diligently pursued. In July, 1915, we received the following announcement of a great embargo on plumage exportations—almost as sweeping and complete as the Royal Zoological Society originally proposed:

Amsterdam, July 12, 1915.

To William T. Hornaday, Esq., New York.

Dear Sir:

We are pleased to be able to inform you that the committee for the advancement of a prohibition of the export of birds and parts of birds from the Dutch colonies has received from the corresponding member of the committee, Dr. J. C. Konningsberger, director of "s Lands Plantentuin" at Buitenzorg, Java, the following information about the shooting of birds of paradise:

1. This year (and probably also in future) the shooting is limited to these species: *Paradisea minor*, *Seleucidés nigricans*

and *Ptilornis magnificus*. The export of skins of all other species is prohibited by the Dutch Colonial Government, and these skins have therefore no commercial value.

2. Shooting is totally prohibited in the islands of the Radja Ampat group (Misole, Salawatti, Batanta and Waigou) and in those of the Geelvink Bay in New Guinea, as well as in two large reservations on New Guinea, on both sides of the Geelvink Bay.

By these means the protection of the rarer birds of paradise is obtained, and we have every hope that in future the shooting of all birds of paradise will be totally stopped.

Sincerely yours,

C. KERBERT,
Chairman.

Lt. DE BEAUFORT, *Secretary.*

In plain English, the three species not yet fully protected in all areas are the lesser bird of paradise, the twelve wired bird of paradise and the rifle bird. Inasmuch as bird protection never loses ground, and always gains in public favor, it is safe to predict that within a reasonable time all the birds of the Dutch East Indies will receive the complete protection that an embargo on exportations easily can afford.

ALARMING DEER SITUATION IN NEW YORK

At the last moment we have received the following letter from Mr. Myron F. Westover, Secretary of the General Electric Company, an ardent but conscientious sportsman, a keen observer, and a man of logical mind:

Schenectady, N. Y., Nov. 26, 1915.

Dear Dr. Hornaday:

"I shall set down here, perhaps for discussion when I see you, some impressions which I derived from a vacation spent this fall in the Adirondacks. I tramped ten days from North Hudson, well in the heart of the mountains and only a few miles from Mt. Marcy; four days from West Stony Creek; and two with Mr. Apperson in west of Hope.

"The deer are decreasing very rapidly; and as to this I found not one dissenting opinion. On the other hand the number of hunters is increasing, and especially of those who live in the cities and towns adjacent to the Adirondacks. The reason is obvious. In the old days a man who had a week-end vacation could not make a day's drive in, hunt a day and take a day to drive back. Now, through the automobile, and the good roads which the auto has brought, the same man can be in camp two hours; and those who live anywhere within 50 to 100 miles can get in within a few hours. I was only 4 hours and 15 minutes from Schenectady to North Hudson, a distance of 104 miles.

"Last fall (1914), during the last week of the season there were, within a radius of five miles from a certain supposedly 'wilderness' camp, more than 250 hunters; and one drive was made with 31 men working together. Three years ago 53 male deer were taken out of that territory, two years ago 26, last year 23, and this year during the first six weeks of the season, 2! How many were gotten in the last two weeks I have not yet heard. Regardless of such dogging as goes on, and killing out of season, the deer are being hunted almost to extermination!

"Owing to the nature of the woods, and the conditions under which hunting is done, a great many deer are wounded which are not got, and about as many does are killed as bucks. The most of the does are left in the woods. Under such conditions I regard the 'buck law' as an iniquity.

"Naturally, I discussed with many persons the problem of saving the game. Mr. Apperson would like to see driving prohibited by law. I am not sure that would be desirable, and I am sure it is not feasible to enforce such a law.

"My conclusions are briefly as follows:

"1. Limit the kill to one deer of either sex. Only a small percentage of those who now go in get any deer, and the vast majority would be satisfied with one deer. Only a small minority are looking for trophies; they want '*a deer!*'

"2. Enact a guide license patterned after the New Brunswick law. That is: let no man guide without a license,—obtained at nominal cost,—and prohibit any guide from carrying a gun, or shooting while holding a license. If the guide wishes to get a deer himself, he surrenders his guide's license and gets a hunting license, just as other men. *Four out of five* of the deer now shot in the Adirondacks *are shot by the guides*. Let the guide make a sworn return at the end of the season of the deer killed by the men he guides.

"If these things were done I think there would be many more deer, better hunting, and the game would be got by the hunters and not by the guides. Unless something of the kind is done, I believe that a closed season for several years will soon be a necessity."

Yours very truly,

M. F. WESTOVER.

The conditions revealed by Mr. Westover's letter are thoroughly alarming. Up to the receipt of this report, we had rested in the prevailing belief that in the Adirondacks the deer were at least holding their own, and breeding as rapidly as they were being killed.

It is the old story. New conditions always bring to wild life increased persecution and slaughter. The automobiles and their "good roads" are now new elements of destruction.

Steps have already been taken to place Mr. Westover's letter before the sportsmen of the State of New York with the query: "What do you propose to do about it?" Often we have praised the sportsmanlike qualities of the hunters of this state; and today we rely upon them to do the right thing, just as strongly as ever. Confidently do we count upon them to initiate the right salvage measures, and carry them into effect.



THE QUICKEST WAY TO EXTERMINATE GAME

The slaughter of females will wipe out any species in short order! This photograph was taken in one of the Rocky Mountain states in the winter of 1913. How long is this to continue?



PERMANENT WILD LIFE PROTECTION FUND

BULLETIN No. 2

JANUARY 15, 1916

PUBLISHED FOR THE INFORMATION OF CONGRESS

GAME SANCTUARIES IN NATIONAL FORESTS
SHALL WE INCREASE OUR BIG GAME ON A
FOOD SUPPLY BASIS?

THE CHAMBERLAIN-HAYDEN BILL, INFORMA-
TION AND EXHIBITS OF SUPPORT

By
WILLIAM T. HORNADAY,
Campaigning Trustee
AND OTHERS

NEW YORK ZOOLOGICAL PARK

1916

THE PERMANENT WILD LIFE PROTECTION FUND

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(\$1,000 or more.)

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*Deceased.

Total Permanent Fund, January 15, 1916, \$101,995.

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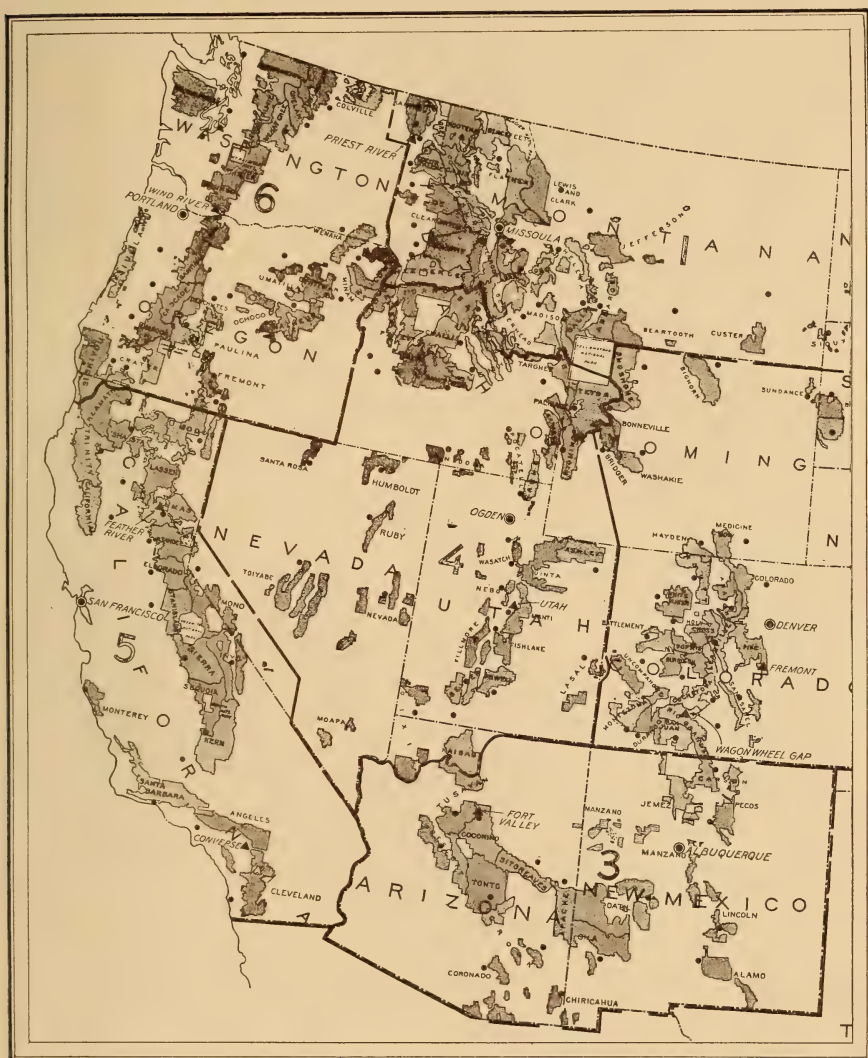
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NATIONAL FORESTS WEST OF THE GREAT PLAINS

The National Reserved Forests westward of The Great Plains now embrace about 170,000,000 acres, or 281,562 square miles. Portions are suitable for the grazing of cattle and sheep, and are utilized for that purpose. Mr. Smith Riley, an experienced U. S. District Forester, has said: "There is hardly a township of the 170,000,000 acres of National Forest lands but what one-fifth to one-third of it is *suitable only for game ranges*. * * * At least one-fifth to one-third cannot, now, and never can be used by domestic stock."

THE CHAMBERLAIN-HAYDEN BILL

(S. 3044. H. R. 6881.)

INTRODUCED IN CONGRESS ON JANUARY 4th, 1916, by SENATOR GEORGE E. CHAMBERLAIN OF OREGON AND REPRESENTATIVE CARL HAYDEN OF ARIZONA

A Bill to Establish Game Sanctuaries on National Forests, and for other purposes.

Be it enacted, by the Senate and House of Representatives of the United States of America in Congress Assembled,

SEC. 1.—That for the purpose of providing breeding places for game animals and creating an increased food supply in the National Forests the President of the United States is hereby authorized, upon recommendation of the Secretary of Agriculture, and with the approval of the Governors of the States in which the respective National Forests are located, to establish by public proclamation certain specified areas within said Forests as game sanctuaries or refuges which shall be devoted to the increase of game of all kinds naturally adapted thereto; but the establishment of these sanctuaries or refuges shall not prevent the Secretary of Agriculture from allowing grazing on these areas of cattle, sheep and other domestic animals under such regulations as he may prescribe; *provided*, That said sanctuaries or refuges shall be established on lands not chiefly suitable for agriculture.

SEC. 2.—That when such sanctuaries or refuges have been established, as provided in Section 1 of this Act, hunting, pursuing, poisoning, killing or capturing by trapping, netting, or by other means, or attempting to hunt, pursue, kill or capture any wild animals or birds for any purpose whatever upon the lands of the United States within the limits of said sanctuaries, shall be unlawful except as hereinafter provided, and any person violating such regulations or provisions of this Act shall be deemed guilty of a misdemeanor and shall, upon conviction in any United States court, be fined in a sum not exceeding five hundred dollars, or by imprisonment for a period not exceeding six months, or shall suffer both fine and imprisonment in the discretion of the Court.

SEC. 3.—That the Secretary of Agriculture shall execute the provisions of this Act, and he is hereby authorized to make all needful rules and regulations for the administration of the lands included in such game sanctuaries in accordance with the purposes of this Act, including regulations under which fishing within the limits of game sanctuaries may be permitted but not in contravention of state laws, and predatory animals, such as wolves, coyotes, foxes, pumas, and other species as may be destructive to live stock or wild life may be captured or killed.

SEC. 4.—That the Secretary of Agriculture shall cause the boundaries of all game sanctuaries established under the provisions of this Act to be suitably marked where necessary, and notices to be posted showing the location of the sanctuary, and warning the public that hunting therein is prohibited except under such rules and regulations as may be prescribed.

SEC. 5.—That it is the purpose of this Act to provide breeding places for large wild animals such as deer, elk, mountain sheep and other species which may be made to produce a new food supply by breeding under natural conditions and spreading over adjacent territory whereon they may be hunted in accordance with State laws; to establish sanctuaries of medium size rather than large preserves; and whenever possible to establish chains of sanctuaries which in time will restore wild game animals to intervening territory; but it is not the purpose to extend the areas of such sanctuaries or refuges in such manner as to close surrounding hunting grounds.



PERMANENT WILD LIFE PROTECTION FUND

BULLETIN No. 2

JANUARY 15, 1916

PUBLISHED FOR THE INFORMATION OF CONGRESS

PART I

SHALL WE HAVE A NEW FOOD SUPPLY?

IN these days of high cost of living, vanishing beef and vanishing big game, no man need apologize to Congress, or to any State Legislature, for bringing forward a plan carefully formulated to increase the supply of food, and also to preserve the sport of big-game hunting from becoming, in the United States, an extinct pastime.

Citizens who bring forward measures for the greatest good of the greatest number, without asking for,—or intending ever to ask for,—“big appropriations,” and without personal axes to grind, naturally hope for the active co-operation of lawmakers, even though the national defenses claim first consideration, and the most generous support.

The measure now before Congress to provide the federal machinery for the creation of a great many game sanctuaries in our national forests is the logical outcome of the wasteful, destructive and sometimes lawless times in which we now live. Every new rifle and shot-gun, every new automobile and every “good road” is a fresh menace to our pitiful remnant of wild game. The man who doubts this need only go out into any alleged game country, ask questions and use his eyes in order to be convinced.

The measure now before Congress has been thought out by a number of experienced and capable men who know conditions, and it is offered as a wholesale remedy for

some of the gameless conditions that now exist in many portions of our country. It is a measure big enough to deserve the support of large-minded men and women. Its adoption means the making of at least a hundred new protected breeding centers for big game, and an increase of killable game over immense areas.

In presenting this plan to Congress, a strong effort has been made to keep its details from becoming burdensome to senators and members, at a time when matters of still greater importance imperatively call for action.

Believing that "the national forest states" west of the great plains, where the great bulk of those forests are, situated, should have the first call in the consideration of this plan, we have been at great labor, and also much expense, to put it first before the citizens of those states, and ask their verdict upon it.

Instead of conducting a correspondence campaign, the Permanent Wild Life Protection Fund sent its Campaigning Trustee in person into Minnesota, and each one of the states west of the plains, except Nevada. The proposition was presented to the people of the West, literally face to face, in twenty-three lectures, and also at great length in the leading newspapers of those states. Criticisms of the plan were invited. The people were told: "This is a plan that concerns you, and it is for you to say whether you like it, and whether you want it. If you say that you do not like it, and do not want it, *we will drop it, forever!*"

The people of the West have spoken,—save in Congress. The verdict of the West is that the plan is a good thing, and that the best men and women of the West desire that it be carried into effect. Thus far, so far as we have learned, not half a dozen voices have been raised against it; but opposition may yet be developed. It will be surprising if there is none!

Instead of advising the friends of this cause to write directly to their members of Congress, and thereby involve busy members in long and tiresome epistolary tasks, we have asked all advocates to sign pledges of endorsement and support. These requests have been limited to specially selected citizens, whose names stand for state and civic uplift, and whose names are widely known.

It would have been an easy matter to have secured the written support of thousands of men whose names would

not be known in Washington; but up to date we have refrained from calling for a hundred thousand signatures.

The bill now before Congress has been framed in strict accordance with the printed "Hornaday Plan" that was placed before the people of the West, and approved by seven Governors and many hundred leading citizens. *We can not deviate from the terms of that plan without forfeiting our support! For this reason, we will beg that our bill may not be seriously amended by the introduction of new features.*

We now place all our cards upon the table, face up; and there is no "joker" in the pack. When we say that we will not encroach on the rights of the cattle men and the sheep men, and will not try to occupy lands suitable for grazing or agriculture, *we mean just that!* The U. S. Forest Service is not looking for new crops of trouble with the grazing industries.

But the opportunity to render a great service to the people of the West *is here!* If this bill passes substantially as it stands, it will mean the development of great game-breeding centres in more than a score of states where in big game now is fast approaching the vanishing point. It will mean, in about ten years from now, a great increase in big game (especially deer) that may be hunted and killed, and eaten.

It will utilize and render productive a hundred great areas of wild, rough and remote mountain territory that now is of no earthly benefit to anyone save the most adventurous camping-tourist and angler, with a slight possibility of game.

In the pages that follow we will discuss separately several subjects that bear directly upon this proposal; and we will produce exhibits of various kinds that need to be taken into the reckoning. Finally, we will show the extent and character of the support that has been pledged to this cause in advance of its presentation to Congress.

A REASONABLE GAME REFUGE POLICY

In advocating the establishment of national game refuges, or game sanctuaries, upon a number of the National Forests in the West, the supporters of the plan clearly realize that others also are interested in the use of these forest ranges, and they desire to proceed along lines which will be at once just and equitable to all concerned.

It is well known that many of the ranges once occupied by game animals are now more or less used by the flocks and herds of the western settlers. At the same time, there are many forest areas which cannot be used to advantage for domestic stock, or which from their very nature will support a number of large game animals in addition to domestic animals without injury to either.

It will be the policy in establishing such refuges, or sanctuaries, to locate them, as far as possible, upon areas which are so rough or inaccessible as to prevent their use by domestic stock, and before one is established, this side of the question will be carefully looked into. These areas, however, will be comparatively few, and the restrictions upon grazing which may be necessary will not be a burden on the nearby settlers.

We feel certain that every western stockman and settler is interested in the preservation of the big game in his vicinity, and the only practical method of preserving it seems to be through the establishment of these sanctuaries in which they may breed and multiply, and eventually spread out over the surrounding country. There they may be hunted during the open season, and in accordance with the laws of the various states in which they are located, thus furnishing to the local settlers a fairly stable supply of winter meat. It is, of course, unreasonable to expect that animals such as deer, elk, and mountain sheep can subsist upon barren rocks or mountain scenery. They must have forage upon which to exist, the same as all other animals of their class. At the same time it is well understood that these animals can and do subsist upon many species of plants and grasses which are not palatable to domestic animals, and also that they will penetrate into regions so rough and so distant from water that domestic stock will not use them.

The provision that before being legally established all areas set aside for sanctuaries shall be first approved by the governor of the state in which the forest lies will be an ample safeguard for the protection of all interests concerned.



THE WHITE-TAILED DEER AS A FOOD SUPPLY

But the killing of the three female deer was entirely wrong. Doe-killing should not be permitted in any civilized state.

WILD LIFE PROTECTION MUST GO ON

Even in the face of a cruel war abroad and great national unrest and anxiety at home, the preservation and increase of our national wild life must go on. To permit any serious neglect of the latter cause would be equivalent to going out to meet half way one of the evil consequences of war. Of course the time may come, within the next five years or less, when every male defender of wild life will be needed on another kind of firing line, but sufficient unto that day will be the evil thereof.

Along with the protection of wild life we are endeavoring to do our part in promoting the defenses of this nation and our enlistment number is 9,652.

At this hour, the cause of wild life protection in the United States is moving forward with constantly accelerating speed. The splendid momentum that this cause has acquired is a constant inspiration and encouragement to those who toil in that particular vineyard. Even the backward states, which represent the plague-spots on the wild life map, show signs of awakening conscience, and a desire to be decent.

In these troubled days, the protectors of wild life need public sympathy and encouragement, more than in piping times of peace. Today the public mind is in an undeclared state of war, but the killers of game are killing just as diligently as ever. Even though the next session of Congress will have to deal with some very serious national measures, such as the national defenses, revenue, and the repeal of the shipping act, there will be time to consider and to pass a sane and business-like bill to convert a hundred or more areas of wild lands into big game sanctuaries, for the sake of deriving from those now profitless lands a great annual food supply.

The only question is: Will the American people handle this matter in a resolute and business-like way, or will General Suspicion defeat the plan?

NO HUNTING TWENTY YEARS HENCE?

The enormous annual increase in the number of men and boys who wish to go hunting, and kill something, is a condition that must be faced, whether we like it or not. Add to this factor the increase in the number and the deadliness of firearms, the rapid increase in facilities for getting at the game, and finally the craze for trophies, and the thoughtful man may well pause and inquire about the general result. The automobile now has become a new and terrible factor in game destruction, far beyond what the public yet knows.

The unavoidable influences that make for game destruction already are appalling. We refer to the utilization of all available agricultural lands, the drainage of marshes, the extensions of cities and towns, the destruction of cover for small game; the increase of hunting cats, and the killing of female deer, moose, sheep and other big game. Throughout this land of a hundred million people, every city, town, village and cross-roads hamlet turns out its quota of hunters and killers of wild life; and with dogs, horses, automobiles, boats and guides, they ransack, every year, every haunt of wild creatures called "game."

Rarely indeed does any body of sportsmen, or hunters, do anything to "increase" the supply of killable game! It is right there that the shoe pinches long and hard. The great mass of sportsmen and "hunters" do absolutely nothing to increase wild life. Like the horse-leech they cry: "Give! Give!" and they give back nothing. Their annual hunting license fee is nothing in the world but a payment to have their favorite game protected from the other fellow until they themselves can get to it and shoot it. And today some sportsmen are taking great credit to themselves and their kind, not because they and other sportsmen have increased the game supply, but because they have passed laws *retarding the annihilation of it!* And the men who now insist that things shall

be done to increase the supply of game, and prevent species from being exterminated, are loftily spoken of as "fanatics."

One thing now should be apparent to the dullest mind. It is that unless a great number of game sanctuaries are made and maintained inviolate for the safe breeding and increase of big game, the noble sport of the big game hunting twenty-five years hence will be limited to elk hunting around the Yellowstone Park, and deer hunting in such states as New York, Pennsylvania, Vermont and Maine, where deer are so preserved that they are breeding as rapidly as they are killed.

Which shall it be in 1940: a hundred more game sanctuaries dating back to 1915, or no big game hunting outside the four states named?

OUR PLAN FOR GAME INCREASE

Millions of acres of our national forests now are utterly destitute of game worthy of mention. Over thousands of square miles in the West and the East you now can hunt till doomsday without finding a four-footed animal worth shooting as food. Vast opportunities to create a great annual supply of big game are being wasted through the lack of intelligent and resolute action.

The submitted plan proposes an enormous increase in game that may legitimately be killed for food purposes. This can be secured without loss to any other industrial interests. All that is needed is a safe and sane law, honestly enforced, and a little patience in waiting for results.

The following basis has been agreed upon, informally, by the officers of the U. S. Forest Service, the Biological Survey and W. T. Hornaday.

(1) A federal law empowering the Secretary of Agriculture to select and delimit areas in national forests suitable for game sanctuaries. (2) These sanctuaries shall be established by presidential proclamation. (3) These sanctuaries shall be so located that they will not

occupy lands chiefly suitable for agriculture. (4) These sanctuaries shall be located where they will interfere to the least extent practicable with the grazing of domestic stock, especially the stock of actual settlers. (5) These sanctuaries shall be established with the approval of the Governor of each State concerned. (6) It is expedient to establish a large number of sanctuaries of medium size rather than a few large preserves. (7) The ideal condition would be a chain of sanctuaries which in time would restore game to all the intervening territory. (8) Administration will be vested in the Secretary of Agriculture. (9) Boundaries are to be settled after full consideration of all conditions. (10) Predatory animals are to be killed. (11) The object of these sanctuaries is to provide breeding places for game which will spread over adjacent territory, where it will be subject to the regular open season provided by law. This will prevent danger of overstocking the ranges. It will therefore not be the general policy to extend these sanctuaries.

In addition to the above, it is to be understood that the final success of the plan contemplates strict regulation of the game that may and may not be killed annually, the same as obtains in the deer forests of Europe. A large stock of game must be kept alive so that the annual increase will yield a large food supply that will be permanent.

Now the question is: Is it worth while for the American people to take the trouble to make the increase in their annual food supply that this plan proposes?

Regarding both the judgment and the executive power of the American people we are profoundly optimistic. Our silent millions are quick to do the right thing when they are thoroughly aroused to necessities, and shown the way. We do not court a reputation for senseless destruction of nature's resources, and folly in conservation methods. It is for this reason that the friends and the defenders of wild life feel that it is *worth while to strive!* The best Americans, who, God be thanked, are yet in the majority, distinctly do not wish to rob Posterity of its rightful heritage in the wild game of this nation.

CONDITION OF WILD LIFE WEST OF THE GREAT PLAINS*

No one can visit the states west of the great plains and come in touch with twelve state game commissioners and other friends of wild life, without acquiring some very definite impressions regarding the present status of wild life in those states. From facts and figures thus obtained on the spot there is small chance to appeal.

Summed up in a few words, I have returned from my tour of the far-western states with a feeling of profound depression, and the conviction that outside of the actual game sanctuaries the wild game of the West now is being swept away, by guns and automobiles, so fast that in a few brief years those plains, mountains and forests will be swept as clear of killable game as the Desert of Sahara.

Nowhere, outside of the game preserves, is there the slightest indication that any game which can legally be hunted is breeding as rapidly as it is being killed. For every man who will say that "the game is holding its own," there are at least ten who will say: "The game is going, fast!"

In Colorado, as late as 1900 teeming with what seemed to be an inexhaustible supply of deer, all deer shooting is now prohibited. The people of Colorado have been forced to give their remnant of deer a long close season, to ward off their complete extermination!

Everywhere, save in two localities that we will not name, the small remnant herds of prong-horned antelope are reported to be "decreasing all the time"; and this in spite of the fact that no antelope hunting is permitted anywhere in the United States. The decrease is due to illegal killing, and to the wolves and coyotes.

Although the sage grouse now exists only in pitiful remnants (in all save three or four spots), no state has yet given that fast-vanishing species a long

close season. In each one of the states that still contains a few of these fine birds, we demanded the enactment at the the next legislative session of a 10-year close season law. In some states the sage grouse is certain to be exterminated, at an early date; for only a few of the states will accord the long close season in time to save the remnant. The automobiles of the hunters are now a great curse to these birds and to others.

Three states—Wyoming, Idaho and Washington—still permit mountain sheep hunting. Unless long close seasons are granted at once, the mountain sheep will totally disappear from those states, and very quickly.

In 1914 about 14,000 deer were killed in California, and only a confirmed optimist can believe that that number of fawns were born in that year. From California the deer and quail are rapidly going; and the disgrace and curse of the sale of game is over all the state.

Throughout my entire journeyings through the great Plains, the Rocky Mountain and Pacific states, I did not see more than 2,000 wild birds, all told, and only 35 wild mammals. Of the latter 19 were jack rabbits, and the remainder were small burrowing rodents, mostly ground-squirrels. Although I made a zoological reconnaissance of seven days by automobile through about 300 miles of the Sonoran Desert, in southern Arizona, I saw not one deer, antelope, wolf, coyote or fox. In a ride of 30 miles through the National Forest above Golden, near Denver, I saw only one wild mammal—a chipmunk, and 7 birds.

Along the railways of Minnesota, Iowa, Nebraska, Montana, Colorado, Idaho, Washington, Oregon and California the absence of wild birds (in August and September) was horrible! Even the magpie has not escaped.

At the last moment, I am in receipt of the following confirmatory letter from Mr. Henry W. Shoemaker, a subscriber to this Fund, who has recently completed a long tour through the West:

"I note what you say regarding the decrease of wild life throughout the West. As collector and compiler of unwritten

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history, asking questions is my specialty, and I questioned everybody in every locality I have visited on game conditions. All told the same doleful story of the scarcity of wild life. There are too many professional hunters, too many pot-hunters, too many U. S. Government hunters, too many wasteful eastern hunters and too little cover. Those in my mind are the chief causes for the decrease in wild life in the West. In the old days, when the predatory animals existed and *there were fewer hunters*, there was lots of game. I think that the men of the West are all wrong, as it is themselves and no other cause worth mentioning that has made game so scarce. Predatory animals are unjustly blamed, and posterity will acclaim them so when it is too late. Reduce indiscriminate killing and the game will be saved."

In some of the states visited, I found prevailing a feeling of hopeless resignation in regard to wild life. Naturally, in the lectures given local conditions did not escape attention, and the rights of the wild creatures were *demanded* at the hands of those who may be looked to as their keepers. For the efforts that were made to arouse the people of the West regarding their wild life, scores of men and women expressed their gratitude and appreciation.

Already there are five more organizations for the protection of wild life than existed in the West prior to our tour. These are located in Minnesota, Idaho, California and New Mexico, with one more promised in Wyoming. In Minneapolis, on the day of our visit, there was organized the Minnesota Game Protective League, which marks the beginning of a serious state-wide movement for the saving of the game of Minnesota on a permanent basis. In Idaho, Mr. Drew W. Stanrod, Jr., a young lawyer of Pocatello, has gallantly set out to champion the wild life cause in that state, and he is mentally, physically and financially equipped to win valuable results.

Several discouraged organizations were stimulated to take fresh courage and go on; and offers of financial help from the Permanent Fund were made

to some associations that stood in need of encouragement beyond mere words.

Naturally it is our intention to keep in touch with our friends in the West and Southwest, and when the next legislatures of those states again meet to do business, we think that they will hear in no uncertain terms from the local defenders of wild life.

INCREASE OF GAME UNDER PROTECTION

The rapidity with which wild game multiplies and spreads under absolute protection is one of the wonders and delights of wild life conservation. The facts in the case are now so fully established, and demonstrable by so many different exhibits, that very few persons ever question the proposition. A well-informed man would quite as quickly question the value of rainfall as he would deny the value of sanctuaries in bringing back wild life.

The only question regarding game preserves is: How can we make enough of them without interference with other equally important interests?

The State of Pennsylvania and the Province of Manitoba have acquired the habit of making large forest reserves and then creating a hard-and-fast game sanctuary in the heart of each one, in which no hunting ever is permitted. To this end Manitoba has given up about one-half of her four reserved forests. Pennsylvania has made ten forest reserves and ten game sanctuaries, and it is planned by the State Game Commission that eventually each county shall have one. The sportsmen keenly aid and abet these undertakings, because they know that all around those game sanctuaries there will be good hunting, even where no hunting existed before.

The birds respond to full protection with marvelous celerity. The photograph made of about two acres of ducks in the Wichita (Oklahoma) National Bison Range in 1913, by the photographer of the New York Zoological Society, is an object lesson of tremendous force. The photographs made in the winter of 1914-15 in Ouray, Colorado,

of a herd of *wild* mountain sheep eating hay, literally in the heart of the town, is another good exhibit; and incidentally Colorado is very proud of the great success that has rewarded her efforts in the absolute protection of the big-horn.

The federal migratory bird law and the laws against spring shooting and the sale of game, are working wonders in bringing back the big flocks of waterfowl that even five years ago seemed doomed to annihilation. We begin to believe that our grandsons will find some good shooting in their own country, after all!

The status of big game is very different from that of wild fowl, and it requires very different treatment. The latter go far away to remote wilderness, to hatch and rear their young. The deer, elk and mountain sheep cannot do that. They require areas that are absolutely safe for them, in which no man ever can carry a rifle or run a dog. Big game requires absolute freedom from molestation and excitement during its breeding season, and to that end there is nothing like an inviolable preserve. In protecting the resources of nature, the strong arm of the federal government inspires very great respect because Uncle Sam is notoriously no respecter of persons.

The East has done much toward giving back the American bison to the West. The New York Zoological Society has furnished, as gifts, two nucleus herds. Will the men of the West now do their part in helping to create a hundred game sanctuaries in national forests, and by that method bring back the big game abundantly to their now gameless and silent woods and mountains?

This is no time for postponements. We can see no need for a prolonged inquiry into wild life conditions in the west. The sad facts are only too well known already. The great array of governors, institutions, newspapers, societies and prominent individuals who have seriously enlisted in this enterprise is good proof that the need for this plan exists, and will persist until the plan is in operation!

The officers and men of the Forest Service well and truly know the condi-

tion of the remnant of wild life that still holds on in the national forests. The men of that service are earnestly in favor of this plan, because they see in it great possibilities for a new food supply, and also the continuance of legitimate sport.

VERMONT'S EXAMPLE IN DEER BREEDING

The history of the success of the people of Vermont in restoring the white-tailed deer to that State after the species had been exterminated, and breeding it back to a high state of "efficiency," is a lesson that every other state may well study and put in practice.

In 1875 several public spirited gentlemen of Rutland became so dissatisfied with the results of deer extermination in Vermont that they patriotically determined to try to restore the species and redeem the reputation of the State. Accordingly they procured thirteen deer from the Adirondacks, imported them and set them free in the open forest seven miles from Rutland. About the same time a law was passed absolutely protecting all deer in Vermont until further notice.

For years the result was barely noticeable, in the fact that the original stock had survived, and was slowly multiplying. Later on, deer began to appear at frequent intervals, spreading all over the wooded portions of the State. Finally, after a lapse of twenty-two years, deer had become so numerous that it was decided that a part of the young male increase might each year legitimately be hunted and killed for food. Under a new law permitting the killing of bucks only, deer hunting began in 1896.

From that time down to the present, the greatest sport of Vermont has been deer-hunting. The enforcement of the law protecting females has led to a continuous increase.

Presently the depredations of deer in gardens and orchards became serious, and the legislature responded with a law providing that each County should appraise damages by deer, and pay the

amounts awarded out of the County treasury. This prevented the awarding of exorbitant sums as damages, and the law has been in successful operation for a number of years. The total amount paid out for deer damages each year amounts to less than \$2,500 for the entire State, and the value of the venison taken each year, figured at \$15 per carcass, amounts to more than \$75,000. These figures are based on the records of the two years 1908-9, when 7,186 deer were killed, and \$4,865 were paid as damages.

The Vermont experiment has proven a great success. The sanity of it and the business-like methods employed, remind us of the methods pursued in the great deer forests of Austria, where the herds are exactly regulated, and maintained generation after generation with decided profit to the people concerned.

With similar initiative and intelligence, and resolute enforcement of law and order, the waste woodlands of the United States could be made to yield 2,000,000 killable deer each year, at an annual cost of not more than ten per cent of the value of the annual catch. The question is, are the American people equal to such work in the utilization of the opportunities of Nature?

SANE POLICIES IN WILD LIFE PROTECTION

In no line of national progress has this country witnessed more rapid advancement during the past six years than in the protection of wild life. It was about ten years ago that the non-game birds began to receive in some of the states the legal protection that was their due, but the movement toward improvement was slow. Down to 1909 the game of the United States generally was on the toboggan slide toward oblivion, and the general outlook was decidedly black. Spring-shooting, the sale of game, the killing of insectivorous birds for food and other forms of extermination according to law made the situation seem almost hopeless.

But the year 1910 marked the beginning of a new period in protection. Edit-

ors, law-makers, and people of wealth began to awaken to the dangers of the hour. The demands of the protectors began to strike home as never before. The first great battle of a long series was waged in the State of New York, against the market hunters of the Atlantic Coast, and the game-dealers of America's greatest game market. It was predicted while the fight was on that New York would prove to be the Gettysburg of the war between the two armies, and so indeed it proved. The tremendous success of the wild life cause that was achieved in New York in the spring of 1911 was but the first of a long series of victories that were won in Congress and in various state legislatures. These included the saving of the fur-seal industry, the stoppage of game sale in Massachusetts and other states, the passage of the federal migratory bird law, and the suppression of the trade in wild birds' plumage for millinery purposes throughout both the United States and Canada.

In a recent lengthy review of Dr. Hornaday's "Wild Life Conservation in Theory and Practice," the London *Athenaeum* said:

"It is a truism that America does nothing by halves. That by criminal folly a colossal heritage has been wantonly squandered, none can gain-say; but, on the other side of the picture, the splendid efforts of an enlightened few have in recent years launched a scheme of systematic reparation on a scale which can only excite the envy and amazement of all who are working along similar lines in England. The problem in America is very different in its details from that which our protagonists have to solve, but the underlying principle is the same."

The success of many great measures that have triumphed during the last six years has been due to the fact that they were safe, sane and necessary for the greatest good of the greatest number. Lawmakers have become thoroughly convinced that the American people desire that the wild life of the nation should be saved from annihilation.

Will Congress give us a hundred new big game preserves, and good hunting for the next hundred years?



WILD MOUNTAIN SHEEP UNDER PROTECTION
Photographed at Ouray, Colorado, at a distance of about 15 feet.

GAME IN THE NATIONAL FORESTS

COMMON SENSE VIEWS OF A PRACTICAL MAN

BY SMITH RILEY, U. S. District Forester, Denver

This paper, written by Forester Riley, out of years of practical observation and experience, sheds a flood of light over the whole subject under discussion, and answers correctly scores of questions that naturally arise in the inquiring mind. It appears in full in the Proceedings of the Society of American Foresters for April, 1915, pp. 175-182.—W. T. H.

What should be the Federal government's policy governing the protection and development of game in the National Forests? This question has been asked many times of late. *** *So truly do a large number of western people feel that all the game will go that they look upon the enforcement of effective game laws as a needless expense to the State.*

Owing to the obligations that the Federal government assumes in the establishment and the maintenance of these National Forests, it must outline and operate under a definite, clear-cut game policy.

Areas Worthless for Domestic Stock.—*There is hardly a township of the 180 millions of acres of National Forest lands but what one-fifth to one-third is suitable only for game range. I mean by this that of this vast acreage at least one-fifth to one-third cannot now, and can never, be used by domestic stock.* This, of course, does not take into consideration the large areas now inaccessible that will eventually be used for stock grazing. To my mind, the fact that deer were fairly plentiful in the Uintah Forest of Utah during those years when the ranges were so heavily stocked with sheep that the animals came off the range in the fall poor, the existence of elk on the South Fork of Rio Grande in the Rio Grande Forest of Colorado in the very heart of a range section that the cattle and sheep men

fought over before the forest was created, is ample proof there is room for the game as well as the domestic stock.

Domestic Stock and Game.—It has been gravely pointed out that the Federal government should go slow in this matter, because it would never do to adopt a policy detrimental to the stockman's interests. There are in every community a thousand and one champions for domestic stock, so we can rest assured that the sheep and the cow and the horse will be placed upon every acre where any one of them will thrive; in fact, the people of the West are commencing to believe that they may see both sheep and cattle upon the same area in spite of the many bitter struggles of the past that would tend to show this impossible. If game is to hold its own against domestic stock, it must have the biggest champion to be had—the Federal government.

The line to be drawn between the game and domestic stock is not hard to define. The sentimental side of the question can be eliminated, as far as the National Forests are concerned, and we should look at the matter entirely from a practical dollar-and-cents basis. In other words, here is an area not now grazed by stock. It will be a matter of eight or twelve years before it will come into use, if at all. Why not have game here until domestic stock needs the range? Here is an area where more than 50 per cent of the land is so rough

and broken as to be unfit for domestic stock, and the remaining 50 per cent is so located that the available stock will have to be driven long distances to the areas; so far, in fact, that all the profit will be lost in this drive. Why not have game here? Here is a region surrounding an area intensely used for recreation as a summer resort, or it is the watershed of some stream from which a town or village derives its water supply.

It is not advisable to graze stock on such lands—first, because the people protest against it; and, second, there is a chance of stream pollution. Why not have game here? Here is an area where there is a very small per cent not suited to domestic stock and yet suited to game; also, a portion of the stock range must act as winter range for the game developed upon the smaller area. Would it not be advisable to protect and cultivate game upon the smaller areas, and so allot your stock upon the larger area, to provide winter feed for the game, and thereby get a more complete use of all of the land? In most cases the amount of growth necessary to leave to perpetuate your forage values would furnish winter feed for the game.

Here, again, is a range where there is a large amount of forage and browse growth, and even when the areas are fully stocked with cattle or sheep, or even sheep and cattle, there are both forage plants and browse brush that the domestic stock do not eat, and game animals will eat these plants and thrive among your domestic stock. Why not protect the game and cultivate it here?

Will It Pay?—The question is asked, Will it pay to protect and develop game in the National Forests? My answer to this is that it will pay, and pay big interest on the time and money put into it. There is not a State today that has put money into game protection but has received big interest on the investment. It will pay, on a dollar-and-cents basis, just as big returns as any stock business; and the value of such game protection to the citizens of the State and Nation will be beyond a money value. What man among you has not felt, after a long grind at any kind of work, the keen pleasure of preparing for a trip

in the open? It matters not whether you are a hunter. The wild life is a part of the open, and its presence there will add many fold to its attractiveness. With what keen joy does the individual, returning to his work from such a trip in the open, tell of the game he has bagged, the wild life he has taken pictures of, or just observed!

Recreation Value of Game.—Dr. Hornaday has said: "The great value of the game birds of America lies not in their meat pounds as they lie upon the table, but in the temptation they annually put before millions of field-weary farmers and desk-weary clerks and merchants to get into their beloved hunting togs, stalk out into the lap of nature, and say, 'Begone, dull care!' And a man who has had a day in the painted woods, on the bright waters of a duck-haunted bay, or in the golden stubble of September, can fill his day and his soul with six good birds just as well as he can with sixty."

And so it is with the game animals. This last summer I was with a party for several days in the mountains of Colorado, just above Grand Lake. The real excitement of the trip, that caused the greatest thought and the biggest topic of conversation, was the day we came around a point of rocks to see below us, on a long, sweeping slope of bald land, four big-horn sheep standing out like so many sentinels of that life amid the surroundings which stirred our very souls.

Within the last two years the State of Wyoming has received from \$20,000 to \$25,000 from the sale of game licenses, and the cost of administering the game department has been about half that amount. The purchase of residence licenses at \$2.50 and the non-residence license at \$50 each is, of course, a small portion of the money actually spent in the hunting region. It has been found that parties going out in the immediate neighborhood for deer would average from \$30 to \$36 each, while in the more attractive big-game sections non-resident parties, amounting to from 1 to 200 yearly, would spend from \$400 to \$600 each.

The State of Wyoming has a law prohibiting the leaving in the woods the

meat of elk and deer killed. This law brings into the communities of the game regions large amounts of meat each year. In one year the meat brought out of the woods at Cody alone, and valued at a nominal sum per pound, reached a sum greater than that derived from the sale of all game licenses for the year.

Replanting Elk.—A small number of elk were shipped into the Estes Park district of the Colorado National Forest at the expense of the people of Estes Park, the Biological Survey, the Burlington Railroad, and the Forest Service. These elk were to be seen in one corner of the park, and last season the money paid by guests for teams and saddle horses to make the trip to see these elk was a sum above the cost of placing them in the park; so it can be proven beyond a doubt that game culture by the State and the Federal government can be made to pay, in the boldest sense of the word.

State Benefits.—Not long ago a member of the Forest Service said to me: "Your argument about the value of game is good, but you have not shown in a single case that the Forest Service derives a cent; all the money or benefit goes to the State or communities of the game region, while you are spending money for these game plants, and you are giving the rangers time, which means money, to assist in the enforcement of the law." There is a protection Forest in Colorado upon the watersheds of streams, the flow from which has very high value for irrigation, and one of these streams furnishes the water supply for a city of more than 200,000 inhabitants.

This Forest costs \$45,000 yearly to administer. The receipts are very small and there is no prospect of the receipts ever reaching the sum of the cost of administration. The prime purpose of the Forest is to protect these watersheds, though the Service does not get a cent from irrigation. It surely must be possible to give attention to game culture as a secondary matter in forest protection, particularly when such time given to game culture does not detract from, but adds to, the standard of forest protection and renders the National

Forests of greater value to the States and Nation.

Restocking Depleted Game Areas.—

All through the National Forests there are numberless areas where big game was once abundant and from which it has been driven out or killed through lack of protection. There is every reason to believe that game will thrive upon the majority of these areas if plants can be made upon them and the animals allowed to adjust themselves to the conditions and increase. Some study and careful work will be required if the capturing of specimens, transportation, and planting is to be done successfully. The question arises as to whom this should naturally fall upon. * * *

The whole question is a new one, and, of course, there is a possibility of making the mistake of placing animals on areas where the natural conditions will cause them to become a nuisance to farmers and ranchmen, either by summering in their grain or hay areas or wintering around their haystacks. Considering the necessity of care and experience, I think the work should be initiated by the Biological Survey and the Forest Service in co-operation with the States. The Forest Service, under the direction of the Biological Survey, can collect most readily and at least cost data upon areas to be stocked and locations where specimens can be captured. The Biological Survey can then take up the capturing and shipment. Forest officers might be used for this work, but it should be carried forward under the direction of the Survey.

Costs and Charges.—There should be an appropriation for this work, say \$20,000 yearly, to be expended upon a one-third or one-fifth basis. In other words, the Federal government funds should be used where the State, people of the communities, railroads, and game protection associations, etc., will put up two-thirds or four-fifths of the costs, and the States furnish the specimens where they cannot be furnished by the Federal government, or where they can be secured to best advantage from the State. Ready response will be received to such a move. The only thing required is decisive action upon the part

of the Federal government to show its practicability.* * *

Will the People Protect the Game?—

The people are ready and willing to protect the game. The present abuse of the game laws and destruction of the game comes from a feeling that it will not be protected, and that he who is on the ground should take all he can. The people want to see the game protected and will assist any honest and sincere move upon the part of the authorities to this end.* * *

Citizens Help Effective Workers.—

On the head of Green River, in Wyoming, where big game is plentiful and ranches are few, and where the law-abiding citizen who needs fresh meat kills an elk at any time of year, there was a ranger who, under the Forest Service agreement with the State, assisted in the enforcement of the game laws. This ranger liked the job, and enforced the law without fear or favor. He got convictions before the justice of the peace, who became nervous at the thought of turning a man loose when the evidence against him was good. The people helped and respected the ranger for his stand. All the hunters that went into that section knew the ranger, and knew that the game law was the game law.

That ranger was transferred. A new man was put in his place, and a game warden was placed on the river by the State. He is the kind that has done much to give the position its present reputation. The ranger, who is not particularly heavy on this question, has left the game business to the warden; and the very people who helped the old ranger are raising hobs with the game.* * *

Federal Government Should Take the Initiative.—

These cases I have cited spell one thing to me: The people want the game laws enforced and will give the keenest support to any honest move to that end. Here again the Federal government must come to the front. I have no patience with those who advocate that the Federal government should follow the State in this matter. The Federal government must stand ready in game protection, just as she does in

everything else, to assist the State to better things where she cannot help herself. The States are glad to get suggestions from the Forest Service upon game legislation; they are glad to get its assistance in the enforcement of the game laws. Much improvement can be brought about by a frank criticism of the game wardens appointed by the State, under an existing agreement, that are not doing their duty. This will lead the way for game protective associations and citizens to take up this same question with the States. In this way, and in this way only, will the standard of the personnel of game wardens be raised to that point where such men will receive the respect of the people and be able to enforce the laws.

In outlining a policy, then, let us consider the game upon the same dollar-and-cents basis as the domestic stock, and its actual value to the public. In place of marking time behind the State, let the Federal government point out means for better game laws, and machinery to enforce them.

A NEW FORCE FOR WILD LIFE PROTECTION

The Permanent Wild Life Protection Fund is all that its name implies. Its foundations "have been well and truly laid," and its income will carry on the work of its originators long after they have become dust and ashes. Happy are the protectionists who can leave behind such a legacy to the harried and persecuted beasts and birds.

This Permanent Fund already is the second largest endowment fund in existence for the benefit of wild life. The lines on which it will work are briefly as follows: To stop the sale of game, and all late winter and spring shooting; to stop the killing of insectivorous birds for food, and of all birds for millinery purposes; to increase the number of game preserves; to make perpetual close seasons for all species threatened with extinction; to stop the use of automatic and "pump guns" in hunting, and to prevent aliens from using rifles and shot-guns in hunting.

BRITISH COLUMBIA'S SUCCESS IN BRINGING BACK BIG GAME

Report by CAMPBELL J. LEWIS, Game Warden

In 1906, following a memorable hunting exploration in the Elk River country, East Kootenay district, British Columbia, John M. Phillips and William T. Hornaday besought the government and people of British Columbia to make that region a game preserve. In it goats were plentiful, sheep could be found by hard hunting, one elk was seen in thirty days, but moose were totally absent.

In 1908 the Elk River Game Preserve was created, and Campbell J. Lewis was appointed its game warden. Of course all hunting in that region (of 550 square miles) ceased at that time.

A recent request from Dr. Hornaday to Warden Lewis for a statement of game conditions at this time in the Elk River Game Preserve elicited the following report:

REPORT OF GAME WARDEN LEWIS

"Your request for data on the East Kootenay Game Preserve comes at an opportune moment. I have just finished a partial patrol of its boundaries, and while I was well aware of a material increase of the wild things within its confines, in my wildest dreams I could never have imagined game so plentiful as it is at the present time on that game preserve. On our first day out—and please note we were not hunting, or taking any pains to conceal our presence—we saw twenty goats, five sheep and one black bear. No account was kept of feathered game, of which we saw a goodly number, chiefly sooty grouse. The other five days we were out we saw game proportionate to that sighted on the first day of our journey, including six elk (wapiti) and one large grizzly bear.

"Our route of travel was by way of Brule Creek (Avalanche Creek), taking in the heads of its various tributaries,

and thence westward across the divide to Bull River.

"In your book, 'Camp Fires in the Canadian Rockies,' I remember your remarking on the incident of your meeting a bull elk. The occurrence at the time of your visit to this district was, no doubt, worthy of note. You will therefore be surprised to learn that such an occurrence today possesses for the traveller in the mountains a merely momentary interest.

"To give you some slight idea of the spread of the elk over the East Kootenay region, I may mention the fact of those animals having been seen on Sheep Creek, a few miles north of Ft. Steele. They have even been seen as far south as Rock Creek, three miles west of the village of Elko. Bull River, Fording River, and east fork of White River all have their quota of this splendid game. As a friend of mine recently remarked on visiting the upper Fording River, 'the valley country has no trails but elk trails, and these cut up the valley so that it reminds one more of a plowed field than anything else.'"

"Moose have again made their appearance in the Elk River valley, and are wintering there in small bands of two or three. Last summer a cow dropped two calves in the vicinity of C. P. R. headquarters, about forty miles north of Michel. Quite a number spend the greater part of the summer on the big meadows of the west fork of the Elk River.

"Speaking of the west fork reminds me that a large number of sheep have found their way into the west fork basin. Formerly this country was considered devoid of animal life, but recent investigation has proved the contrary. Goats abound, sheep are fairly plentiful, while moose have evidently filed

their pre-emption records. The moose in this bit of country came in from the head of the Palliser River, through a pass that I discovered while making recent investigations in that part of the district.

"Sheep are doing well in all parts of the district. Contrary to popular opinion, sheep have not the horror of railroads or steam whistles that they are credited with. As a case in point I may make mention of the fact of my seeing eight sheep on the mountain above Elko. This, mark you, was within sight and hearing of busy railway traffic. Another instance to prove that wild game can accustom itself to the sights and sounds of civilization is the fact of a band of sheep having been seen about three miles from Elko by two neighbors of mine who were fishing in the south fork of Elk River.

"It may interest you to learn that pin-tailed grouse are here to stay. Since the logging off of the forest lands in the southern portion of Fernie District, and the subsequent forest fires that from time to time have swept the logged off areas, pin-tailed grouse have found an excellent harborage in the tall grass and young undergrowth that has sprung up in the wake of the fires. They are now present in large numbers.

"Since we are on the subject of logged-off areas, I may as well introduce the subject of the Virginia deer. Grave forebodings filled the minds of many of our sportsmen that the cutting of timber, and the consequent restriction of the range of the white-tailed deer, would prove disastrous to the latter. Such a contention, while perhaps theoretically correct, is not borne out by the facts. Much of the deer range has been cut and burned away, it is true; but it cannot be said that the white-tailed deer is in any immediate danger of extinction. Close observation of this species of game has forced me to the conclusion that *the deer are gradually adapting themselves to a new habitat. Where formerly they descended in hundreds to the lower levels to winter, I now find them living through the winter months in the high fir forests*

on ground that from its natural inaccessibility cannot be logged for many generations. They are harder to get without doubt; but they are there in myriads, if one is man enough to hunt them.

"Practically the same thing may be said of the mule deer. Where they wintered years ago in large numbers, they are now conspicuous by their absence. But for all that they have not all been killed off, nor have they left the country. They have simply chosen for their winter places the more isolated hill-sides where the pot-hunter, through lack of funds or possible energy, cannot or will not go." * * * *

In view of the effort now being put forth under the auspices of the Permanent Wild Life Protection Fund for a large increase in the supply of big game throughout the national forests, the report of Warden Lewis on the new habits of the white-tailed deer have deep significance.

THE WICKEDNESS OF CONNECTICUT

During the past ten years the rigid deer laws of Massachusetts have increased the deer supply in that State, to a gratifying extent. More than that, deer from Massachusetts have migrated down into Connecticut, and once more stocked the wild lands of that State, clear to the Sound.

Now we are reliably informed from New Haven that during the last ten days of the legislature of 1915 a very bad bill was slipped through, *permitting Connecticut farmers to kill deer on their own lands, ALL THE YEAR ROUND!* As a result, a great slaughter is now on; and up to December 1, it was said that over 800 deer had been slaughtered by the "farmers." And the worst of it is, there is no chance to repeal that disgraceful law until 1917.

Every member of the legislature who voted for that law deserves a jail sentence of not less than six months. The enactment of such a law, anywhere, is a crime.

HOW THE SANCTUARY PLAN WILL WORK

Our very simple plan for the making of game sanctuaries in national forests is proposed as a good-faith idea for securing something that the people most concerned will desire, and enjoy. It will rob nobody and coerce nobody; and if enacted into law it will bring something good out of nothing.

The United States Forest Service has been selected as the chief creative instrument, because the men of that Bureau know most about conditions in the national reserved forests; and in locating sanctuaries their co-operation would be invaluable. Chief Forester Graves, Mr. Potter, and others in the Forest Service are in close touch with the grazing interests of the West, and they know what would be harmful to them. Each sanctuary selected and proposed by the Forest Service will be submitted to the Governor of the State in which it is situated, for his approval; and when he fails to approve, the preserve cannot be made.

It must be borne in mind, however, that in an elaborate undertaking such as this now proposed for bringing back the big game, the working plan must be simple, and free from circumlocution and red tape. The results must be made attainable without waste of effort or undue loss of time. A cumbersome and circuitous method oftentimes is sufficient to defeat any number of good intentions.

Naturally, the success of this plan requires a mutuality of confidence, in the President, the Forest Service and the Governors of States. The advantages in making this a federal movement rather than a plan dependent upon the various states surely will be obvious. In state conservation of wild life it is a fixed condition that some states will do their duty, some will do half theirs, and others will do practically none at all. In the matter of protecting the proposed sanctuaries, few states would care to assume any additional burdens in the form of salaried game wardens.

Federal establishment and control means federal protection and the utiliza-

tion of existing forest wardens. If Congress objects to this plan, and maintains that the effort should be made by the various states, *then the plan will die, the chain of sanctuaries never will be made, and the big game never will be brought back. It is a case of a federal law, and federal development, or nothing.*

And which will the American people have?

RESTOCKING AT STATE EXPENSE

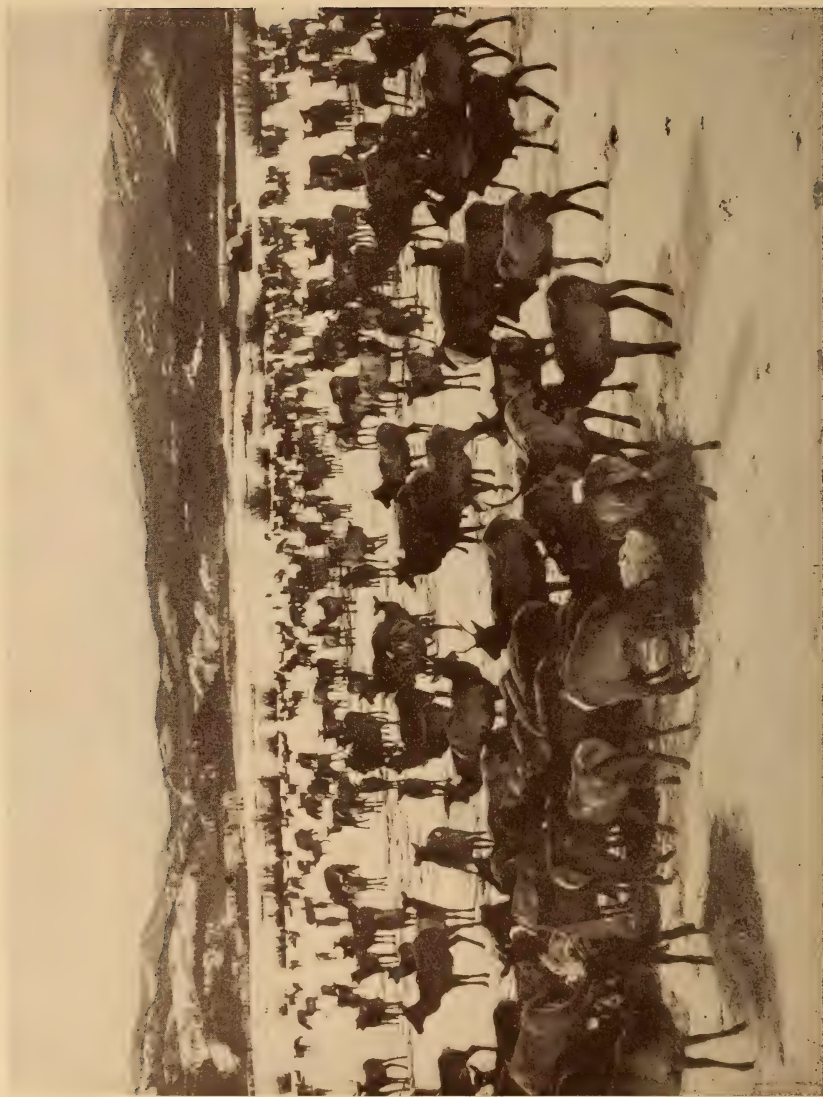
It is to be expected that if the game-sanctuary plan now proposed is carried into effect, many of the sanctuaries established will be found to contain a nucleus stock of deer and possibly other animals, sufficient for the purposes in view.

On the other hand, in many places it will be found that restocking is imperatively necessary. In bringing this about, some serious work, and some expenditures also, will be necessary. This brings us to the question of ways and means.

It is our view that by reason of the fact that the citizens of the various states concerned in this game-breeding enterprise will derive for themselves about nine-tenths of the profit to accrue from the new food supply, those states should pay the cost of such restocking operations as are necessary. The money should come from the funds accumulated from the hunting-license fees.

While it would be right for the national government to furnish elk at the cost of crating and transportation for all sanctuaries that are suitable for elk, Congress should not be called upon to appropriate funds for restocking purposes. National *co-operation* is all right, but the people who are to derive the benefit from restocking operations should be willing to pay the cost,—which never will be a serious matter!

For several years, the Pennsylvania State Game Commission has been buying deer, and also a few elk, for restocking her various state game sanctuaries in the State forests.



ELK HERD, JACKSON HOLE
The Yellowstone Park herd, on its winter range.

LIFELESS DESOLATION IN NORTHWESTERN CANADA AND ON THE PACIFIC COAST

By MADISON GRANT,

VICE-PRESIDENT N. Y. ZOOLOGICAL SOCIETY.

The following terrible picture of the absence of wild life and the wasteful destruction of forests carries its own tragic lesson to every thinking American.—W. T. H.

New York, Dec. 23, 1915.

Dear Dr. Hornaday:

I have been reading BULLETIN No. 1, of your Wild Life Protection Fund, and am much interested in what you say about the decline of wild life in the West.

It may interest you to know that, in a recent trip of over 12,000 miles, including the most northerly railroad route in Canada, my experience and observations were quite the same as yours.

Leaving New York on July 2, I went, via Toronto, to a rather wild fishing region on the easterly shore of Georgian Bay, spending several days in camp and fishing along the rocky islets and shores. In this region I saw not one living mammal larger than a squirrel, and I do not recall seeing any game birds, or for that matter, small birds.

From Toronto I went by the Canadian Pacific R. R. along the north shore of Lake Superior to Winnipeg, and on the Grand Trunk R. R., via Saskatoon, to Edmonton. This is the most northerly line through the wheat country, and is as wild as anything that can be seen from railroad windows. During this portion of the trip I did not see one living mammal of any description, except prairie dogs, and few of them. There were some wild fowl on the small ponds and sloughs, but their slender numbers were in sharp contrast to those seen on my previous trips across the plains.

From Edmonton I went to Calgary, Lethbridge and MacLeod, and then took a motor trip of several days across the prairies, much of the time on mere cattle trails, coming, at this point, within a few miles of the international boundary north of the Sweet Grass Hills.

At this point we were in a wild country, which was but little fenced, and much of the time I was engaged in geological research work on foot, so that if there had been any game in the country I certainly had excellent opportunities for noting it. I did see about four coyotes, and flushed perhaps half a dozen cottontail rabbits and jack rabbits, and half a dozen grouse. I was told by ranchmen that there were a few scattered antelope in the country, but that they were fast disappearing. I was greatly shocked by this absence of all wild life in this corner of Alberta, which is a wild and desolate region, and one that would receive the benefit of any overflow from the Rocky Mountains, which are close at hand.

Returning to Calgary, I took in a trip to Lake Louise and back to Edmonton, where I was joined by my friend, Mr. Theodosius F. Stevens, who came from New York over that part of the Grand Trunk system, newly opened from Toronto to Winnipeg which runs via North Bay and Cochrane. In response to my query to Mr. Stevens as to what he had seen on the way, he replied as follows:

"I believe I was the first passenger to whom a railroad ticket was sold from New York over that part of the Grand Trunk system running between Toronto and Winnipeg, via North Bay and Cochrane, a distance of 1,257 miles. The first through train left Toronto on July 13, 1915, and the second through train, which was the one I took, left Toronto on July 15th.

"Most of the country through which the road ran was hardly settled at all. The railroad stations, for the most part, were the only indication of human habitation. Occasionally a small clearing and shack would appear in what would otherwise have been an unbroken wilderness for stretches of hundreds of miles. The timber was poor and mean, and showed signs of extensive burning in a great many places.

"Although on the outlook for it, I saw not the slightest trace of mammalian wild life, with the exception of a few rabbits, and beyond a few water-fowl saw no birds of any character."

From Edmonton Mr. Stevens and I went over the Grand Trunk Road to the newly opened Jasper Park, located in the main Rockies at the Yellow Head Pass. Here we spent several days, fishing and riding over the mountains. My guides told me that it was an excellent bear country, and

that there were plenty of sheep to the south. In actual experience, however, I did not see one living mammal, and Mr. Stevens' discoveries in this line were limited to a single porcupine. Even the lakes were largely destitute of fish, as they had been dynamited by the railroad construction gangs, who had also done much damage to the game, and had burned the forests in every direction. I had always supposed that the Canadians were more advanced in matters of conservation than we are, but the condition of fishing, game, and above all, of the forests along this new line of the Grand Trunk R. R. and the Canadian Northern R. R., which parallels it at this point, removes any such impression. Every effort is now being made, however, to repair the damage.

It was distressing to see the damage which was done in the immediate vicinity of the railroad station at Jasper. This is the headquarters of the Jasper Park Forest Reserve, which has recently been enlarged by the Canadian government so that it now comprises the enormous area of 4,400 square miles.

The virgin timber had been quite massive, as shown by the stumps, and had it been standing, the Valley of Athabaska, some four miles broad at this point, would unquestionably have been considered one of the most picturesque and beautiful spots on the North American continent. As it was, the entire valley, through which the railroad runs, is burnt and scarred. Near the Jasper station, it was pathetic to see the efforts of man directed at restoring tree growth from the ravages of fires occasioned by human recklessness or carelessness. In an open stretch of several hundred acres, saplings had been planted, of ridiculous size when contrasted with the gnarled and blackened stumps of trees that had been monarchs of the forest a few short years before. The lapse of even fifty years will not bring these artificially planted trees to the same degree of beauty and dignity possessed by the natural forests which had been so ruthlessly hacked and destroyed.

I do not know whether we are sufficiently advanced in civilization in this country to profit by these experiences of our northern neighbor, but unless we do, we shall have exactly the same, or possibly worse, experiences in the construction of the new Alaskan railroad from the coast to Fairbanks.

The remedy, in such cases, is much more easily applied than in the ordinary administration of game laws. The

destruction of game is caused by the laborers themselves on Sundays and holidays, or by hunters who sell the meat directly to the camps. A warden located on the line and moving up and down its course and watching for the appearance of meat, fish or birds in the camps, would most effectively stop it by the arrest of the first offenders. It is not necessary or possible to have such a warden follow possible culprits into the woods, but he can stay in the construction camps which are easily accessible, and are strung along in a continuous line.

There is only one way to minimize fire risks, and that is to hold the contractor responsible under the original contract, for whatever fire damage occurs along the line of his operations. This might work injustice at times, but in nine cases out of ten, fires along railroads are caused either by construction gangs, or by the careless operation of the railroads.

In Western Canada, and for that matter in most of our coast states, the railroads burn oil. This fact alone has saved millions of dollars of loss from fires, and is the one hopeful element in the situation.

From Jasper Park we went down the Fraser, via Prince George, to the head of the Skeena River, and thence down to Prince Rupert. This is a beautiful and thickly forested country, well adapted to moose, although I could get little information on this point along the route. This district has not, as yet, been exploited by hunters, and is difficult to traverse. During this trip we saw not one living animal or bird, although this was the first year the railroad carried passengers.

At Prince Rupert I found the natives merrily engaged in collecting the bounty offered by the foolish government for the destruction of Steller sea lions, which were being held responsible for the rapid decrease in the salmon runs. This matter has been handled in the *Zoological Bulletin*, and steps have been taken to bring it to the notice of the proper authorities. Mr. Francis Kermode, Curator of the Provincial Museum, Victoria, is alive to the danger, and has secured the appointment of a board to inquire into the criminal responsibility of the sea lions for the destruction of salmon.

You will recall, a few years ago, that a similar investigation was necessary to prevent the Fish Commissioners of California from killing off all the California sea lions because it was charged that they ate salmon. A thorough

investigation made at that time revealed the fact that our California sea lions feed almost exclusively on squid, and for the time being the sea lions were saved. Dr. E. Lester Jones in reporting on the Alaskan salmon industry in 1914, anxious to attribute to any cause except wasteful fishing the disappearance of salmon, could not blame the sea lions after these investigations, but was even more ingenious and explained the decline in the number of salmon by stating that the bears caught them on the riffles, and that eagles pecked out the eyes of the fish as they struggled upstream.

We sailed down the coast to Victoria, seeing, I think, only one whale and not one seal or sea lion of any description.

At Victoria we took a motor trip to Campbell River and back, a total distance of upwards of 400 miles through some of the wildest country in North America accessible by automobile. In fact, the roads we traveled were, at the northern end of the island, mere wagon trails, and the forest, except where it was burned or was burning, was dense.

Vancouver Island, as you know, is little more than a submerged mountain range about 230 miles long, densely forested with giant trees all over the island, except where it has been recently cleared for farms. It was at one time thickly populated with elk and abounded in birds. The route we took, which should have been through one of the most beautiful regions in the world, was depressing, by reason of wanton and deliberate destruction of superb trees by fire, largely on the excuse of clearing the land.

Of course it is necessary to provide for human habitations and farms, but to see these giant trees with millions of dollars worth of lumber, scarred and charred, and in many instances actually burning, was wasteful, and sad beyond words. The destruction of a great many of these trees was absolutely without justification, as they were situated on the side of the road, or at other places where they could not have interfered with farming operations. They had not even been cut down for their lumber, but had been ruthlessly girdled and left, a standing menace to the passerby, until decay should bring about their downfall.

As we were in an automobile road running through the forests I had every hope of seeing some living thing by the wayside, or as we skirted around the tracks. We did see in the 400 miles, eight or ten individuals or coveys of grouse, and also three or four English pheasants that were turned loose a few years ago and had succeeded in propagating.

Of living mammals we saw not one, except a stray domestic cat.

Accounts differed as to the number of elk on the island, and from information I received it would seem that they were rapidly declining.

Mr. A. Bryan Williams, the very efficient Commissioner of Game for the Province of British Columbia, assures me, however, that the elk are now being carefully protected.

From Victoria southward I went by rail from Seattle to San Francisco, thence I crossed the state twice to the crest of the high Sierras, once to the Yosemite Valley and once to Lake Tahoe. In addition to this I did some motoring around Santa Cruz and Monterey. Later I went southward through Santa Barbara, Los Angeles and Santiago to Mexico and crossed over to Santa Catalina. During this entire trip I saw not one living land mammal, but I did see at various places, especially in the Salinas Valley, small flocks of little chief quail or mountain partridge.

At Santa Catalina we found the well-known group of half-tamed sea lions just outside of the harbor, and on crossing back saw two whales spout.

From the coast I returned home via the Grand Canon, Flagstaff, Denver and Chicago. At the Grand Canon and around Flagstaff I did some motoring in connection with geological study covering a portion of the outlying country and of the Painted Desert; and on all those trips I do not recall seeing any animal of any description, although I may have overlooked, in my recollections, a stray jack rabbit.

Of course on the way back from the Rockies no one who knows the country ever expects to see any living thing from the train windows.

This completes a rather long trip over the most northerly railroad route in Canada to the coast, and from the coast within a few miles of Alaska down to and entering Mexico, and back by the southerly route, together with the side trips mentioned, and others of smaller importance not referred to. The distance traversed, without the smaller side trips, was over 12,000 miles, and with the exception of marine life, the mammals consisted of four or five coyotes, one porcupine, a few prairie dogs and perhaps a dozen rabbits.

The game birds, at the outside, consisted of twenty or thirty grouse and English pheasants, and as many moun-

tain partridges, outside of a protected ranch in the Salinas Valley.

This does not mean that the game is disappearing, but it does mean that to all appearances the game has absolutely, and utterly, and entirely disappeared from these areas; and there is a serious doubt in my mind whether there is enough seed stock left to re-establish many of the game animals and birds over very large areas of their former range.

The most thoroughgoing measures of killing under "protection" will not serve. Nothing but absolute prohibition of all killing in many districts will save the remnants! I am not an alarmist, but I state the facts as I saw them. In addition to what I saw myself I made everywhere inquiries as to the condition of game; and without special memoranda made at the time, my general recollection is that the universal testimony was not as to diminishing numbers, but as to the complete disappearance of game.



EFFECTIVENESS OF THE AUTOMOBILE IN DESTROYING GAME

Thus is the State of Texas exterminating her deer, by wholesale killing, and the destruction of the females.

PART II

THE SUPPORTERS OF THE PLAN.

As we have briefly mentioned elsewhere, it was resolved to lay this plan before Congress without involving the members of that body in the labor of acknowledging the receipt of thousands of letters requesting support. It is high time that the old method of epistolary bombardment should be improved upon,—in the interest of the conservation of congressional energy, and time.

A plan was adopted by which popular support might be enlisted, and offered as an exhibit, with the least possible expenditure of time and labor. We prepared a call for action, a clearly-cut plan, and a declaration for signatures. The "call" was as follows:

INCREASE THE SUPPLY OF GAME.

"Millions of acres of our national forests now are utterly destitute of game worthy of mention. Over thousands of square miles in the West and the East you now can hunt till dooms-day without finding a four-footed animal worth shooting as food. Vast opportunities to create a great annual supply of big game are being wasted by lack of intelligent and resolute action.

"Our plan proposes an enormous increase in game that may legitimately be killed for food purposes. This can be secured without loss to any other industrial interests. All that is needed is a safe and sane law, honestly enforced, and a little patience in waiting for results. On the other side the Plan is set forth. It calls for your support! If you endorse it, sign your name, write your address, stamp this card and post it *immediately*."

The above call accompanied the following:

PLAN FOR A GREAT ANNUAL SUPPLY OF BIG GAME

"The following basis has been agreed upon, informally, by the officers of the U. S. Forest Service, the Biological Survey and W. T. Hornaday. For brevity and convenience, it is at present called "the Hornaday Plan."

"(1.) A federal law empowering the Secretary of Agriculture to select and delimit areas in national forests suitable for game sanctuaries. (2.) These sanctuaries shall be established by presidential proclamation. (3.) These sanctuaries shall be so located that they will not occupy lands chiefly suitable for agriculture. (4.) These sanctuaries shall be located where they will interfere to the least extent practicable with the grazing of domestic stock, especially the stock of actual settlers. (5.) These sanctuaries shall be established with the approval of the Governor of each

State concerned. (6.) It is expedient to establish a large number of sanctuaries of medium size rather than a few large preserves. (7.) The ideal condition would be a chain of sanctuaries which in time would restore game to all the intervening territory. (8.) Administration will be vested in the Secretary of Agriculture. (9.) Boundaries are to be settled after full consideration of all conditions. (10.) Predatory animals are to be killed. (11.) The object of these sanctuaries is to provide breeding places for game which will spread over adjacent territory, where it will be subject to the regular open season provided by law. This will prevent danger of overstocking the ranges. It will therefore not be the general policy to extend these sanctuaries.

"In addition to the above, it is to be understood that the final success of the plan contemplates the same strict regulation of the game that may and may not be killed annually, the same as obtains in the deer forests of Europe. A large stock of game must be kept alive so that the annual increase will yield a *large food supply that will be permanent.*"

Underneath the above appeared this:

DECLARATION.

"I have read the above plan and I hereby pledge to it my endorsement and support.

(Sign here)

(Business)

(Address)

* * * * *

The above document was offered for signature, not to the thousands and tens of thousands, but to a small number of picked men who were regarded as thoroughly representative of their respective states. No one will doubt our ability to have secured a very large number of signatures had we chosen to campaign on that basis; but we believed that a small body of leading and representative men would be to Congress a satisfactory index of public sentiment.

Each person whose name appears in the list now to be given has signed the document and "declaration" printed above, or otherwise declared in writing his endorsement.

As previously said, we have from the first treated this idea as one which particularly concerns the states that contain national forests, especially the block of twelve states west of the great plains, and we resolved to stand or fall by the verdict of those states. Our campaign has been almost wholly confined to the West. In order to meet the men and women of the West face to face, and talk this matter over with them, the Campaigning Trustee devoted the

whole of his annual vacation to about 8,000 miles of travel, in the course of which he visited twelve national forest states, and lectured on this Plan twenty-three times. The lecture engagements began in Minneapolis on August 27, and included Denver, Cheyenne, Salt Lake City, Pocatello, Helena, Seattle, Portland, San Francisco, Berkeley, Los Angeles, Pasadena, Tucson and Phoenix, and ended in Albuquerque on October 13. The only symptom of opposition that has been manifested up to this date in the press has come from the *San Francisco Examiner*, a journal with which the defenders of wild life have been at odds for three years.

Many institutions and organizations espoused this cause, actively aided our campaign of education, and therefore will be named in our list of supporters. Many newspapers and magazines have given this cause strong editorial endorsement, some of which will appear with their names. Many other newspapers have aided us with generous and most helpful publicity support, and their names will appear as supporters with "publicity." When a great newspaper devotes an entire page, or even less, to setting forth in word or picture, or both together, the merits of this cause, surely we need not apologize for entering its name in the following list.

With this chain of endorsements leading through the capitals and important cities of the national forest states, we confidently submit our cause to the members of Congress who represent other states.

NOTEWORTHY ENDORSEMENTS

FROM AN EX-PRESIDENT OF THE UNITED STATES.

Oyster Bay, L. I., N. Y.,
November 1, 1915.

My dear Mr. Hornaday:

I cordially endorse the plan you are advocating to secure the permanent protection of our Wild Life. I heartily favor your proposal that the initiative shall be taken by the national government; and that the preserves shall be kept free of all hunting, while at the same time interference with agriculture or stock-raising will be carefully avoided. Your proposal is to use the waste lands of the national forests so that our children and our children's children shall benefit by what is done. All far-sighted citizens should give you cordial support.

Very sincerely yours,

THEODORE ROOSEVELT.

THE GOVERNOR OF SOUTH DAKOTA.*

*Letter of Gov. Frank M. Byrne, to Gov. Geo. W. P. Hunt,
of Arizona.*

I have your letter of the twenty-sixth of November, enclosing a sheet giving a brief outline of the "Hornaday Plan" for the protection and preservation of big game. The plan as suggested seems entirely feasible and surely is most desirable. I shall be glad to co-operate in any way in a movement to bring it about.

Our Game Department has been making an effort to co-operate with the officers of the Forest Service of that part of the National Forest located within South Dakota. We shall be glad to continue this and to take whatever action may from time to time seem necessary and advisable, look-

*With the exception of South Dakota and Arkansas, the letters of endorsement from other Governors will be found in the sections devoted to their respective states.

ing to the protection of game of various kinds. Personally, I should very much like to see just such sanctuaries or preserves established.

FRANK M. BYRNE, *Governor*.

Pierre, December 6, 1915.

THE GOVERNOR OF ARKANSAS.

From a letter of Gov. Geo. W. Hays, to Gov. Geo. W. P. Hunt, of Arizona.

I am just in receipt of yours of the 24th inst., with an outline of Dr. W. T. Hornaday's plan for a great annual supply of big game, and this I have gone over very carefully, and hasten to offer my endorsement to this move. I think that the time has arrived when we should begin to conserve our wild animal life, else it will soon be entirely exhausted.

GEO. W. HAYS, *Governor*.

Little Rock, November 29, 1915.

A UNITED STATES SENATOR.

Washington, D. C., Dec. 11, 1915.

Mr. Dick Heverly, Secretary,
Blair County Game, Fish and Forestry Assn.,
Altoona, Pa.

Dear Sir:

I have your letter of the 7th inst., and duly note the contents thereof. I am in entire sympathy with the purposes of the bill to which you refer and shall be glad to support the same in the Senate.

Yours sincerely,

BOIES PENROSE.

FROM EASTERN ORGANIZATIONS ACTIVE IN PRO-
TECTION AND INCREASE OF WILD LIFE.

THE NEW YORK ZOOLOGICAL SOCIETY.

At the Annual Meeting of members of the New York Zoological Society held at the Hotel Waldorf-Astoria, New York City, on January 12, 1915, the following action was taken, upon motion of Dr. William T. Hornaday, seconded by Col. Theodore Roosevelt:

"WHEREAS, It appears that the killing for sport and for food of game birds and mammals in the National Forest Reserves is destroying the wild life much faster than it is breeding, and over wide areas the final disappearance of many species is impending, now therefore be it

"Resolved, That the New York Zoological Society recommends that the Federal Government take immediate steps to convert any or all of the forest reserves of the United States into game refuges, for such period and to such extent as is necessary to assure the preservation of threatened species, and the continuance of the game supply of the surrounding districts."

At a special meeting of the Executive Committee of the New York Zoological Society, held December 17, 1915, the following action was taken:

"Be It Resolved, That the Executive Committee of the New York Zoological Society now recommends and endorses the enactment of Federal legislation empowering the President of the United States, upon the approval of the Governors of each of the states concerned, to set aside perpetual sanctuaries for animals and birds from areas in the National Forests to be selected by the Secretary of Agriculture from lands unsuitable for agriculture or grazing; and be it further

"Resolved, That the establishment of a large number of sanctuaries would best provide refuges for game to stock the adjoining country and furnish a permanent meat supply, and it is recommended

"That all unnecessary details of administration be so far as possible omitted from said bill, and be made the subject of future amendments based upon actual experience."

Minute by Madison Grant, Chairman of the Executive Committee, in the Zoological Society Bulletin.

No American who has at heart the preservation of the remnant of our wild life, who desires to increase the supply of meat, or who desires to utilize at their highest efficiency lands belonging to the government and not suitable for other purposes, can fail to appreciate the great step forward in genuine civilization that would be accomplished by the proposed legislation. As yet there have been brought forward no objections worthy of the name, and there can be no serious opposition to the utilization by the government in the manner proposed of mountain-tops or infertile hills or other waste lands.

The marvelous success of the Yellowstone National Park is an object lesson of the utmost importance. There would be little or no hunting in the adjoining states were it not for the continuous overflow of the surplus game from the park. Mountain Forest Reserves like the Bitter Root Forest Reserve in Montana, if sufficiently protected, as is the Yellowstone National Park, would, as soon as the animals recovered their normal numbers, provide a continuous supply of deer, elk, and perhaps sheep to the adjoining states of Idaho and Montana. The destruction there may have gone so far in recent years that a complete restocking is necessary, but the game once re-established would provide sport and food for large areas now destitute of wild animals.

ACTION OF THE BOONE AND CROCKETT CLUB ENDORSING THE
CHAMBERLAIN-HAYDEN BILL.

At a Special Meeting of the Executive Committee of the Boone and Crockett Club held the 31st day of December, 1915, the following resolution was unanimously passed.

WHEREAS, The Boone and Crockett Club has repeatedly urged the enactment of Federal legislation establishing sanctuaries in forest reserves, and

WHEREAS, Legislation of this character will be introduced at the present session of Congress; now, therefore, be it

Resolved, That the Boone and Crockett Club, acting through its Executive Committee, recommends to the Con-

gress of the United States, legislation authorizing and empowering the President of the United States, with the approval of the Governor of each state concerned, to dedicate and set aside certain areas in the national forests as perpetual sanctuaries for animals and birds.

New York, December 31, 1915.

W. AUSTIN WADSWORTH, *President.*

HENRY G. GRAY, *Secretary.*

THE AMERICAN GAME PROTECTIVE AND PROPAGATING
ASSOCIATION.

*Resolution Unanimously Adopted at a Regular Meeting of
The Board of Directors, New York, December 14, 1915.*

WHEREAS, A plan for the protection and increase of game has been presented to this Association for its consideration, to wit:

[Here follows the published Plan in full]

Now, therefore, be it

Resolved, That the American Game Protective Association most heartily endorses the plan, and also pledges its support and co-operation in the campaign to be made for the enactment of suitable legislation.

JOHN B. BURNHAM, *President.*

THE BLAIR COUNTY GAME, FISH AND FORESTRY
ASSOCIATION, OF ALTOONA, PA.

The Hornaday Plan was unanimously endorsed at our November meeting. On December 7, our Secretary, Mr. Dick Heverly, took the matter up with our Congressmen, Hon. Warren Worth Bailey, and Senator Boies Penrose.

HARRY A. MCGRAW, *Vice-President.*

THE WILD LIFE LEAGUE OF PENNSYLVANIA.

Resolution Adopted by the Executive Committee.

Resolved, That The Wild Life League of Pennsylvania, through the Executive Committee of its Directors, hereby

approves the Hornaday plan for the creation of game sanctuaries in national forests, as the Commonwealth of Pennsylvania has been conducting such sanctuaries on her state forests lands and has found them a most effective way of maintaining the supply of game and increasing wild life in the state; and be it further

Resolved, That the Senators of the United States and the members of the House of Representatives who represent the great state of Pennsylvania be and are hereby urged to support this plan with their votes and influence at every opportunity, and that copies of this resolution be forwarded to them by the Secretary of the Board.

JAS. B. SANSOM, *Secretary*.

NEW YORK STATE FISH, GAME AND FOREST LEAGUE.

Resolution Adopted by the Board of Directors.

Be it Resolved, That the New York State Fish, Game and Forest League, through its Board of Directors, go on record as most heartily approving federal game refuges and that they endorse the outline given by Dr. Hornaday, as follows:

[*Here follows the published Plan in full*]

Be it further resolved, That we request our Senators and Representatives from the State of New York to give their best efforts in support of the plan in the Congress of the United States.

JOHN B. BURNHAM, *President*.

WHITESTOWN, N. Y., SPORTSMEN'S ASSOCIATION.

The resolution as adopted above by the New York State Fish, Game and Forest League was also unanimously adopted by this Association.

MORRIS RICHARDS, *President*.

MASSACHUSETTS FISH AND GAME PROTECTIVE ASSOCIATION

At a meeting of the Executive Committee held on December 27, 1915, the following resolution was unanimously adopted:

Resolved, That the Executive Committee of the Massachusetts Fish and Game Protective Association heartily endorses and approves of the "Bill to Establish Game Sanctuaries in National Forests, and for other purposes," to be introduced in the United States Congress.

BRADFORD A. SCUDDER, *Secretary*.

LEWIS AND CLARK CLUB.

(By Telegraph.) We unreservedly endorse Dr. Hornaday's national game sanctuary plan. Pennsylvania has had magnificent results from ten years of game sanctuaries. Deer which were practically exterminated are now numerous, and all wild life has been benefited to an unbelievable extent.

THE LEWIS AND CLARK CLUB,
JOHN M. PHILLIPS, *President*.

THE AMERICAN HUMANE ASSOCIATION.

*Resolution Adopted at the 39th Annual Convention,
St. Augustine, Fla., November 10, 1915.*

Resolved, That The American Humane Association strongly favors national legislation for the better protection of wild game, by the establishment of game sanctuaries in our national forests under the plan so ably championed by Dr. W. T. Hornaday, giving game animals a home where they can raise their young in security from ruthless and indiscriminate slaughter, and thus providing for their natural increase in the future and preventing their ultimate extermination; and to this end we urge Congress to pass such acts as may be necessary in the domain now under federal jurisdiction.

(Introduced by Delegate E. W. Burke, of Cheyenne, Wyoming.)

NEWSPAPER AND MAGAZINE ENDORSEMENTS.

In addition to the leading newspapers which have given definite editorial endorsement to the plan for the creation

of game preserves, and have advocated the federal legislation which would make the plan operative, the press throughout the West has given wide publicity to the campaign, and practically without exception has evinced a very friendly attitude. Through the columns of the leading newspapers the campaign and its progress was presented to the people of the West, generously and adequately. By that means great numbers of people were reached who otherwise would not so quickly have been brought into touch with the movement. At all times the whole matter was brought to the attention of the people in a manner calculated to arouse their interest, and the cordial support of the press has done much to secure the hearty approval of the public at large.

In the list given below appear the names of editors who have in writing individually expressed their endorsement of the plan and have pledged to it their support, and also the names of newspapers which by their active co-operation in disseminating a knowledge of the campaign have helped to create a widespread public interest in this cause.

EDITORIAL ENDORSEMENTS.

From The Outlook, Sept. 15, 1915:

"Dr. W. T. Hornaday has put forward a plan for the preservation of game which is both economically and politically feasible. It is a plan which commends itself to both sportsmen and naturalists. It is a plan which conflicts in no way with any industrial interest, such as stock-grazing or lumber. The plan can be outlined in no briefer form than that agreed upon as a working basis by Dr. Hornaday, the officers of the United States Forest Service, and the Biological Survey. Here is what Dr. Hornaday is asking for:

[The published Plan here follows, in full]

"Dr. Hornaday's plan is one which holds promise of great service to the country. It should prove as effective for the preservation of large game as the bird sanctuaries have

been for the preservation of insectivorous song-birds. That even in a populous country the number of song-birds can be tremendously increased by the establishment of sanctuaries in which breeding birds can nest unmolested and in which they are, to a certain extent, free from the unwelcome attention of weasels, snakes and squirrels, has been demonstrated both here and abroad."

From the St. Louis Post-Dispatch:

"The sportsmen of the country will be gratified to hear of a new plan being devised for the preservation of game.

"The plan; is to set aside certain areas in the national forests as game sanctuaries. The most important factor in the preservation of game is that it should have a safe place for breeding. As the population of the country increases these unmolested spots grow more scarce, and there is danger of the game being entirely destroyed in the course of time.

"Hunting stands at the head of outdoor sports. Game, too, stands at the head of the table of gastronomics. No ingenuity of man, by deft breeding of barnyard fowls, has ever succeeded in equalling the flavor of the birds of the woods and fields. The plan should be welcomed by hunter and gourmet alike."

From the Burlington, Iowa, Hawk-Eye:

"One of the good things that have been brought to the attention of the public of late, is the plan outlined by W. T. Hornaday, who would have the forest preserves turned into game preserves. It is pointed out that there is practically no game in these preserves now, and that they could support very many wild animals.

"As there is no game in these reservations now, it is not to be apprehended that the sportsmen or any other class of people will object to Mr. Hornaday's plan. The fact that he is an expert, and not merely a man of theories, vouches for the fact that the plan is practical. It ought to have the unanimous support of the people, and in that event it will be enacted into the right kind of legislations in the near future. It is simply making use of an opportunity that ought not to be neglected."

From the Oklahoma City Times:

"The proposition is so rational that it appeals mightily to those who would render all possible aid to real conservation."

From the Waterloo, Iowa, Courier:

"Indeed many important species are so near extinction that it is hardly possible to save them unless effective methods of propagation are speedily adopted. With this end in view the establishment of game sanctuaries over large areas in the west has been recommended by William T. Hornaday, Mr. Hornaday's plan will be presented to the coming session of Congress and it is to be hoped that every sportsman and bird-lover in the country will use whatever influence he has with his congressman to bring about its adoption."

From the Albany Argus:

"If a plan outlined by Dr. William T. Hornaday, director of the New York Zoological Gardens, in connection with the United States forestry service and the biological survey, is carried out a great step will be taken toward better conservation of wild birds and other game. In some States, notably this, wise game laws well enforced are sufficient protection to wild life, but the trouble is that the migratory birds every year pass through States in their flight where there is no adequate protection. The result is that they are slaughtered in large numbers, by pot-hunters, and not only do the real sportsmen suffer, but farmers do not get the protection that the insect-destroying birds afford when they are intelligently conserved.

"A chain of sanctuaries would enable the migratory birds to escape most of the pot-hunters and experience has proved that the birds in a very short time learn that they are safe in these preserves. There are already such sanctuaries in several of the national parks, and game has multiplied in them rapidly, but at present they benefit only certain sections of the country. What is needed is a chain of them extending from the Canadian border to the Gulf of Mexico, and not so far apart but that the birds would be subjected to little danger in flying from one to another.

Every true sportsman should be in favor of the plan outlined by Dr. Hornaday and every farmer in the country should endorse it."

ENDORSEMENTS BY DECLARATION.

Arizona:

John Hall, Jr., Editor, Tucson.

California:

Dana Sleeth, Editor *Los Angeles Record*.

A. A. Taylor, Editor *Santa Cruz Surf*.

Colorado:

David Elliot, Editor *Colorado Springs Telegraph*.

Charles T. Wilder, Editor *Colorado Springs Gazette*.

Minnesota:

Winthrop B. Chamberlain, Editor *Minneapolis Journal*.

Roe Chase, Editor *Anoka Herald*.

G. S. Pease, Editor *Anoka Union*.

Stillman H. Bridgman, Editor *Duluth Herald*.

W. C. Robertson, Editor *Minneapolis Daily News*.

Thos. J. G. Pease, Editor, Anoka.

Montana:

Joseph M. Dixon, Editor *Helena Daily Missoulian*.

Jerome J. Locke, Manager *Livingston Enterprise*.

Nevada:

Geo. B. Russell, Editor *Elko Independent*.

New Mexico:

Willis G. Brown, Editor, *Raton Range*.

Oregon:

G. A. Bennett, Editor *Marshfield Coos Bay News*.

S. S. Smith, Manager *Medford Sun*.

H. L. Pittock, *Portland Oregonian*.

Tennessee:

Maj. E. B. Stahlman, Editor *Nashville Banner*.

Dickson Merritt, *Nashville Tennessean*.

Utah:

E. H. Britsch, Editor *Ephraim Enterprise*.

Chas. Broadbent, Editor *Heber Wave*.

I. H. Masters, Manager *Provo Herald*.

Washington:

E. B. Webster, Editor *Port Angeles Olympic Leader*.
Jos. Blethen, *Seattle Times*.
F. A. Hazletine, Editor *South Bend Journal*.

Wyoming:

W. W. Slack, Editor *Cheyenne State Leader*.
Earl E. Hanway, City Editor *Cheyenne State Leader*.
W. C. Deming, Editor *Cheyenne Tribune*.

ENDORSEMENTS BY PUBLICITY.

Arizona:

Phoenix *Arizona Republican*.
Tucson Citizen.

California:

Los Angeles Express.
Los Angeles Examiner.
Los Angeles Herald.
Los Angeles Times.
Oakland Enquirer.
Oakland Tribune.
Redlands Daily Facts.
San Francisco Call.
San Francisco Bulletin.
San Diego Union.
Santa Cruz Surf.
Santa Cruz Sentinel.

Colorado:

Denver Post.
Denver Rocky Mountain News.
Denver Times.
Denver Outdoor Life.

Idaho:

Pocatello Daily Chronicle.

Massachusetts:

Boston National Sportsman.

Minnesota:

International Falls Weekly Echo.
International Falls Daily Journal.

Minneapolis Journal.
Minneapolis News.
Minneapolis Tribune.
St. Paul News.
St. Paul Pioneer Press.
Winona Republican Herald.

Montana:

Butte Post.
Helena Daily Independent.
Helena Daily Record.

New Mexico:

Albuquerque Herald.

New York:

The Outlook.
Field and Stream.

Ohio:

Cincinnati Sportsmen's Review.

Oregon:

The Oregonian.
Portland Journal.
Portland Telegram.

Pennsylvania:

Pittsburgh In The Open.

Tennessee:

Nashville Tennessean.
Nashville Banner.

Utah:

Ogden Examiner.
Salt Lake City Deseret Evening News.
Salt Lake City Telegram.
Salt Lake City Tribune.
Salt Lake City Herald Republican.

Washington:

Aberdeen News.
Seattle Daily Times.

Seattle Post-Intelligencer.
Tacoma Tribune.

Wyoming:

Cheyenne State Leader.
Cheyenne Tribune.
Wheatland Times.

ARIZONA

(All of the individuals whose names appear in the following State lists have signed the "declaration" of endorsement and support published at the opening of Part II.)

FROM A LETTER OF THE GOVERNOR.*

Executive Office, State House,

Phoenix, Arizona,
September 1, 1915.

My dear Mr. Hornaday:

On returning today from the Governor's Conference at Boston, I have given careful consideration to your recent letter in which you outline a most commendable plan for the creation of game preserves in the Western States. I readily assure you that I am heartily in favor of this movement, and that I am prepared to co-operate with you in any way possible. In my messages to the State Legislature during the past several years, I have persistently recommended that one or more game preserves of this nature be created in some of the National Forests of Arizona, but, as yet, the Legislature has not reached the point of taking the action desired.

Under separate cover I am sending you my last message to the Legislature, containing a recommendation for the creation of a game preserve in the Graham Mountains of this State.

GEO. W. P. HUNT.

*From the date of this letter down to the present hour Governor Hunt has been untiring in his efforts to advance the interests of this cause. His assistance has been of incalculable value. It was due to his efforts that the cordial support of four western Governors was secured virtually at the last moment.

EDITORIAL ENDORSEMENT.

From the Arizona Republican (Phoenix):

Why should game be protected? Of what use is it, except to furnish pleasure to a few cranks? It is bound to go anyhow, so why delay the process?

The mental processes of the man who asks these questions are generally expressed in terms of dollars only. Accordingly, they had best be answered in the same coin.

Of what use is game? Ten million dollars a year each for Arizona and New Mexico. This is a conservative estimate of what the game animals, birds and fish of these two states ought to bring in when properly handled. Several states which have awakened to the value of these resources are already realizing more than this, and one of them, Maine, is hardly larger than two or three southwestern counties.

Everybody knows that the game resources are at present too much decimated to figure as a statewide economic asset. How can they be increased enough to bring ten millions a year? The answer given to this question by the game experts of the U. S. Forest Service is, they claim, not based on a theory, but on facts. It has been done, and the method used by the states that have done it are clear and plain. Briefly, this method consists in good laws well enforced, in public education, in judicious artificial propagation, especially of fish, and in setting aside as game refuges all waste lands not otherwise used or needed, and stocking these refuges with valuable species which will multiply and overflow into adjoining regions.

The method of increasing game as herein described, and especially a plan for game refuges on waste lands, is now generally spoken of as The Hornaday Plan, after Dr. W. T. Hornaday, the most active proponent of better game protection, who lectured here recently.

INDIVIDUAL ENDORSEMENTS.

State and Federal Officers.

Sidney P. Osborn, Secretary of State, Phoenix
 Mit Simms, State Treasurer, Phoenix
 Henry D. Ross, Chief Justice, Supreme Court, Phoenix
 G. M. Willard, State Game Warden, Phoenix
 D. E. Pettis, Deputy Game Warden, Phoenix
 O. Hicks, Deputy State Game Warden, Douglas
 C. O. Case, Supt. of Public Instruction, Phoenix
 Thos. E. Campbell, State Tax Commissioner, Phoenix
 W. P. Geary, Corporation Commissioner, Phoenix
 Sam B. Bradner, Secy., Live Stock Sanitary Board, Phoenix
 E. B. Ormond, Deputy State Auditor, Phoenix
 T. B. Ruth, Forest Ranger, Chiricahua
 Robt. A. Rodgers, Forest Ranger, Camille
 Neil Erickson, Forest Ranger, Dos Cabezas
 T. Earl Wzider, Forest Ranger, Greer
 Arthur H. Zachan, Forest Supervisor, Portal
 Chas. H. Jennings, Forest Supervisor, Snowflake
 Charley Hoffman, Government Hunter, Forest Service, Springerville
 W. L. Scofield, Forest Service, Springerville

University of Arizona

GENERAL

Oliver E. Comstock, Sr., Justice
of the Peace and Coroner
Chas. E. Bell, Druggist
Chas. J. Chapman, General
Contractor

Donald H. Chugan, Theatre Manager	Wm. M. McDermott, Mining
Frank L. Crofoot, Accountant	Kirke T. Moore, Atty-at-Law
W. J. Dixon, Clergyman	Elsie Neal, South Hall, U. of A.
Mose Drachman, Real Estate	Campus
Howard W. Estill, Student Univ. of Arizona	J. E. Owen, Real Estate
J. W. Estill, Lumber	Chas. J. Shearer, Advertising
H. W. Fenner, M.D., Physician	E. G. Sporleder, Mdse. Broker
A. M. Franklin, Broker	E. L. Vail, Ranchman
Selim M. Franklin, Atty-at-Law	<i>Warren:</i>
E. B. Frawley, Accountant	John C. Greenway, Mining Eng.
M. P. Freeman, Banker, retired	<i>Whiteriver:</i>
L. H. Hofmeister, Merchant	W. C. Cramer, Teacher
Henry O. Jaastad, Architect	E. R. McCray, Principal Indian School
J. M. McClear, Asst. Cashier, Arizona Na'tl Bank	

NEW MEXICO

A LETTER FROM GOV. W. C. MCDONALD, OF NEW MEXICO,
TO GOV. GEO. W. P. HUNT, OF ARIZONA

Santa Fe, Nov. 26, 1915.

My dear Governor:

I have your letter of Nov. 24th relative to the Hornaday plan for increasing the supply of big game by establishing sanctuaries.

I have already written Mr. Hornaday approving his plan and assuring him that I would be glad to assist in any way that I might be able to properly do so.

I shall be glad to co-operate with you in such manner as you may deem best to further the purpose of increasing the game supply in our western states. It is possible that acting together we may be able to accomplish more than we could by acting separately in this matter. I shall be glad to have any further suggestions you may see fit to make as I have not given the matter as much consideration as I am sure you have.

Sincerely,
W. C. McDONALD.

EDITORIAL ENDORSEMENT

From The Albuquerque Morning Journal:

The game refuge is the latest and most promising development of the difficult work of game protection. The old plan called for open and closed seasons, for limits on individual bags, and for sharp prosecution of offenders. The plan of Dr. Hornaday adds to these purely defensive measures the refuge, in which the game may thrive and multiply safe from the gun of the sportsman and the pot-hunter. . . . New Mexico has an abundance of animal life, and the mountains of the forest reserves are admirably adapted for refuges for its preservation.

ALBUQUERQUE GAME PROTECTION ASSOCIATION
RESOLUTION

WHEREAS, Dr. W. T. Hornaday has presented a practicable plan for increasing our supply of big game and preventing the impending extinction of rare species; and

WHEREAS, After careful consideration of that plan, this Association believes that it can and will be put into effect without any injury to the agricultural or stock-growing interests of New Mexico; therefore, be it

Resolved, That this Association heartily endorses that plan, and hereby instructs its Executive Committee to take such measures as will place it before and secure the endorsement of each member of this Association, the Governor, the State Game Warden, the Chamber of Commerce, and our representatives in Congress and the State Legislature.

Passed by this Association December 2, 1915.

ALDO LEOPOLD, *Secretary*.

INDIVIDUAL ENDORSEMENTS

State and Federal Officers

Isaac Barth, State Senator, Albuquerque
Trinidad C. deBaca, State Game and Fish Warden, Santa Fe
A. Ortey, Game Warden, Albuquerque
James Payne, Deputy Game Warden, Mountainair
A. S. Morago, Dep. Game & Fish Warden, Albuquerque
Charles H. Kissam, Forester, Albuquerque
M. W. Talbot, Forest Service, Albuquerque
William H. Gill, Forest Service, Albuquerque
J. F. Mullen, Forest Service, Albuquerque
Charles L. Rak, Forest Service, Magdalena
H. Basil Wales, Forest Service, Magdalena
E. G. Miller, Forest Service, Magdalena
Ward Shepard, Forest Service, Magdalena
J. B. Garland, Forest Service, Rodeo
Arthur C. Ringland, District Forester, Albuquerque
E. N. Kavanaugh, Acting District Forester, Albuquerque
Paul P. Pitchlynn, Forester, Albuquerque

A. W. Wand
 G. C. Westerfeld
 J. C. Kircher
 Wm. Thomas
 T. W. Linville
 Frank Doran
 W. A. Westerfeld
 John L. Hutchenson
 Louis L. Fredericks
 J. Vota, Stern Bldg.
 David C. Winchell, Physican
 Arthur H. Sisk, Life Insurance
 E. J. Alger, Dentist
 Leo F. Albright, Albright and
 Anderson
 Roy W. Schick, Mechanic
 J. W. Fredericks, Cigar Maker
 C. M. Carr, Live Stock and Pres-
 ident of Chamber of Com-
 merce.

Writes: "I am heartily in
 sympathy with the movement
 and will be glad to help in
 every way, personally and
 through the Chamber of Com-
 merce of which I am Presi-
 dent."

Carrizozo:

J. B. French, Rancher and Stock-
 man

Writes: "Let the plan carry
 some provision for the exter-
 mination of the coyote."

Chloride:

Raymond Schmidt, Mining and
 Trapping
 Edwin F. Schmidt, Merchant
 Philip H. Winston, Gen. Mer-
 chandise

Cloudcroft:

C. F. Knight, Merchant

Cowles:

G. A. Ritzheimer, Ranchman
 Howard Kitter, Ranchman
 James F. Matty

Datil:

H. B. Birmingham, Stockman
 Wm. R. Morley, Stockman
 H. T. Mayberry, Stockman

East Las Vegas:

Clarence Iden, Wholesale Tim-
 ber

Fluorine:

Robert Ak, Stockman

Fort Wingate:

Thomas F. Ryan, 1st Sargeant,
 U. S. A., Retired

Hachita:

Walter Birchfield, Foreman, V.
 L. C. & Co.

Jemez Springs:

John Woodgate, Acting Post-
 master and Entomologist
 J. W. Miller
 Louis L. Shields

Las Vegas:

H. Reynolds, Banker

Magdalena:

H. A. Hodges, Postmaster
 Ben Redeman, Banker
 Simeon Exter, Insurance Solici-
 tor
 T. W. Medley, Stockman
 M. McCreary, M. D., Physician
 Chas. N. Cox, Chemist
 H. D. Dawson, Dentist
 Paul B. Moore, Mining En-
 gineer
 Webster W. Benjamin, Elect.
 Light and Power Plant
 W. A. Waters
 Clifford R. Minner

Moriarty:

G. L. Dean, Stockman
 P. N. Damurick, Stockman
 Frank Nevins, Lawyer

Mountainair:

Harry Owen, Rancher
 R. H. Calter, Sheepman on
 Forest Reserve
 John W. Corbett, Real Estate

Perea:

D. W. Roberts, Stock Raiser

Placitas:

Teodocio Chavez, Postmaster and
 Merchant

Queen:

Louis Means, Ranchman
 Fred Scheranazer, Ranchman
 Lee Middleton, General Mer-
 chandise
 Tom Middleton

Ramah:

W. R. Norfleet, Stockman

San Mateo:

Abelicio Pena, Stock Raiser

Gabriel Sandooel, Merchant

Santa Fe:

C. G. Mardorf, Banker

Camilo Padillo, Newspaper man

George Mignardot, Hardware

Wm. Beacham, Hdw. Merchant

Frank Owen, Mgr., Water and
Light Co.J. B. Sloan, Electrical and Type-
writer Exch.W. N. Townsend, Real Estate
and InsuranceJ. B. Wood, of Wood-Davis
Hdw. Co.E. S. Andrews, Supt., Capitol
Building*Silver City:*

Colin Niblet, District Judge

N. W. Dawson, Merchant

*State College:*A. F. Barnes, Dean of Engineer-
ingR. W. Goddard, Professor of
Electrical Engr.Chas. B. Newcomer, Professor
of Modern Languages*Taos:*

L. P. Martinez, Postmaster

W. Herbert Dunton, Painter of
the Old West

Bert G. Phillips, Artist

Ralph W. Meyers, Artist

J. D. Loomis, Merchant

F. T. Cheetham, Attorney-at-
Law

H. R. Walmsley, Investigator

King W. Hopkins, Druggist

L. D. Koger, D. D. S., Dentist

F. Coomer, Photographer

Bascom H. Brown, Collector

Gerson Gusdorf, Merchant

Vincent Thomas, Insurance

J. B. Brooks, Farmer

H. R. Leatherman, Farmer

C. W. O. Weylwood, Lawyer

Jas. DuBor, Contractor

H. E. Anderson, Lumberman

J. W. Reilly, Insurance

Tijeras:

Jose Dominguez, Stockman

Daniel Herrera, Ranchman

Williard:

J. S. Kelly, Cattle Dealer

COLORADO.

EXTRACT FROM LETTER OF GOV. GEORGE A. CARLSON TO
GOV. HUNT OF ARIZONA.

I have taken up this matter with Mr. Fraser, our State Game and Fish Commissioner, and Mr. Smith Riley, U. S. District Forester, and after getting the benefit of their views and making some independent study of the plan, I am convinced that it is worthy of endorsement, and I am pleased, therefore, to assure you of my co-operation in any program which may be adopted to put the plan into operation.

GEO. A. CARLSON.

INDIVIDUAL ENDORSEMENTS

State and Federal Officials

- W. B. Fraser, State Game and Fish Commissioner, Denver
 W. L. Burnett, Curator of Museum, Colorado Agricultural College, Fort Collins
 S. Arthur Johnson, Dean, Colorado Agricultural College
 C. P. Gillette, Colorado Agricultural College

GENERAL

Alamosa:

John T. Adams, Lawyer

Brighton:

G. A. Garard, Lawyer

Canon City:

Dall DeWeese, Irrigation Engineer

Hunter Palmer, Druggist and Farmer

L. H. Bancroft, Hardware

Robert M. Boyle, Jeweler

T. A. Stockton, Merchant

L. W. Felter

Colorado Springs:

D. V. Donaldson, Park Commissioner

Edward C. Schneider, Professor of Biology, Colorado College

H. B. Baker, Instructor in Biology, Colorado College

Wm. C. Sturgis, Biologist

Daniel W. Knowlton, Lawyer

H. Alexander Smith, Lawyer

W. M. Hager, Broker

E. H. Moore, Gunsmith

Francis D. Pastorius, Investments

C. S. Pastorius, Investments

Albert G. Hodgetts, Asst. Secy., Siep Cowles Inv. & Realty Co.

Alex. Meredith, Music

C. E. H. Aiken, Taxidermist and Furrier

Charles Fox Gardiner, M. D., Physician

John W. Garrett, Sporting Goods

Geo. B. Hatch, Lawyer

H. W. Hoaglund, Physician and Ranchman

Ellis L. Sparkman, Real Estate

Edward W. Kent, Real Estate

Otis E. McIntyre, Powell-McIntyre Sporting Goods Co.

G. S. Milore, Insurance

Horace E. Pastorius, Real Estate

F. S. Ransom, Taxidermist

H. H. Seldomudge, Grain Dealer and ex-Member of 63rd Congress

P. B. Stewart, Ex-speaker, Colorado Legislature

Edward R. Warren, President, The Colorado Audubon Society

Cortes:

Henry Crawford, Sheriff, Crawford Co.

H. Schelleck, Lunch Room

L. P. Thomas, Farmer

Denver:

W. C. Bradbury, Railway Contractor

D. C. Beaman, Lawyer

H. Petrie, Member Executive Com., American Nat'l Live Stock Assn.

Geo. C. Barnard, Insurance

W. E. Bates, 254 Coronado Block

Waller C. Brinker, Jr., Lawyer

Ira C. Brownlie, Dentist

F. C. Buchtel, Surgeon

Louis H. Davis, Mining Engineer

Henry A. Dubbs, Attorney

W. Faircloth, Banking

Jacob Fellins, Lawyer

Theron R. Field, Banker

J. D. Figgins, Colorado Museum of Natural History

M. W. Fraser, M. D., Physician

G. F. Foley, Clerk

Carney Hartleys, Sales Engineer

J. D. Hitch, Farm Mortgages

W. A. Hoover, Wholesale Drugs

Arthur J. Hoskin, Mining Engineer

James D. Husted, Cattle

Harvey S. Ingram, Bank Teller,
 Denver National Bank
 Harry C. Jarves, Denver National Bank
 Geo. H. King, Banker
 Henry K. T. Lynn, 1020 15th Street
 A. G. Manely, Clerk, Denver National Bank
 Benj. H. Matthews, Physician
 J. A. McGuire, Publisher "Outdoor Life"
 John J. McMurton, Paints and Varnishes
 W. F. R. Mills, Investments
 J. C. Mitchell, Banker
 Victor R. Olmsted, President, Thompson-Olmsted Inv. Co.
 C. L. Ossen, Pres., Ossen Photo Supply Co.
 F. D. O. Parker, Investment Securities
 W. A. Peterson, Banking
 Harvey Pridham, Mining Engineer
 E. W. Robinson, Lumber
 Robt. Smut, Bank Teller
 Fred'k W. Standart, Insurance
 W. B. Tebbets, Lawyer
 S. J. Thomas, Pres., Merchants Bank
 C. A. Tinding, 507 R. R. Building
 Roger W. Toll, Ch. Engr., Denver Tramway Co., and Vice-President, The Colorado Mountain Club
 John F. Truesdell, Lawyer
 J. Ulrich, Insurance
 F. N. Vaughn, Coal
 Albert L. Vogl, Attorney-at-Law
 N. O. Vosburgh, Jr., Teller, Denver Nat'l Bank
 Ethelbert Ward, Lawyer
 D. L. Webb, Lawyer
 Carle Whitehead, Lawyer
 Roger H. Wolcott, Attorney-at-Law

J. S. Wolfe, Real Estate
 Henry E. Wood, Metallurgist
 James N. Wright, Bonds
 H. G. Mills, Midwest Asbestos Co.

Dolores:

W. J. Jordan, Butcher
 C. H. Rash, Confectioner
 Robt. Beecherman, Wheelwright

Fort Collins:

B. A. Foltz, Musical Inst.

Grand Junction:

John Otto, The Trailbuilder

Hayden:

O. H. Waterhouse, Ranchman and Stockman

Idaho Springs:

John J. Sherwin, Pres., Electric Co.

Jefferson:

T. H. Coleman, Road Supervisor

Lewis:

J. B. Rutherford, Farmer

Littleton:

E. H. Albertson, Postmaster
 R. H. Blackman, Lawyer

Mancos:

James M. Brown, Postmaster
 O. J. Bowman, Stockman
 A. F. Hallford, Rancher
 John M. Crawford, Guide and Hunter
 J. R. Trotter, Physician and Surgeon
 E. P. Crawford, Dentist
 H. V. Ausburn, Hotel
 W. B. Nelson

Silver Plume:

Wm. Buckley

WYOMING.*

A LETTER FROM THE GOVERNOR OF WYOMING

The State of Wyoming,
Executive Department

Cheyenne, November 12, 1915.

My dear Dr. Hornaday:

It occasioned me genuine regret on my return home from a recent extended trip to find that I had missed seeing you during your visit to Cheyenne. I am, therefore, writing to express my appreciation of your efforts to crystallize public sentiment in favor of the protection of the wild game of our country. The service that you are thus rendering the nation should have the heartiest endorsement and support of every good citizen in this country, and I want to assure you of my earnest and cordial sympathy and co-operation.

It was my privilege to see Wyoming when it was a paradise for wild game, and it has been with sorrow that, during the years which have elapsed since then, I have noted the complete extermination of several species; and the loss of many other kinds is only a question of time, unless we can render prompt and effective service.

* * * * *

Inasmuch as Wyoming is still, in a sense, a pioneer state, it apparently is not easy for people to understand the great importance of preservation, but I am glad to note a marked improvement in the sentiment which is fast crystallizing on

*The state of Wyoming is to a very large extent a stock-grazing state. The citizens of that state, and above all, the officers of the state government, never under any circumstances would approve any plan for changing the status of public lands which would in any way injure the interests of either agriculture, cattle-raising or wool-growing in Wyoming. In no state has our plan for game preserves in national forests been more closely scrutinized, or more thoroughly discussed, than in Wyoming. The following exhibits eloquently tell their own story.

W. T. H.

this question and do not apprehend that our people will ever be willing to abandon this work. I am confident that they will be brought to the realization of the fact that the perpetuation of the different species of our wild life is for the benefit and enjoyment of future generations, and that its care and safeguarding is one of our great responsibilities.

JOHN B. KENDRICK.

STATE OFFICERS' ENDORSEMENT AND PETITION TO MEMBERS
OF CONGRESS.

*To all Senators and Representatives in Congress from
Wyoming:*

In view of the alarming and steadily increasing scarcity of large game in Wyoming, the high cost of living, and the threatened extinction of legitimate sport with the rifle for our sons, we hereby signify our cordial endorsement of the Hornaday Plan for the creation of a large number of game sanctuaries on those portions of the national forests of the West that are not suitable for agriculture or for stock-grazing, and we respectfully request and urge that you will aid in every possible way in promoting at the next session of Congress, the enactment of a federal law to carry that plan into effect with the least possible delay.

The Plan referred to, and hereby supported, is as follows:

[Here follows the published Plan in full]

E. W. Burke, Chief Agt., State Board C. and A. P.
I. S. Bartlett, Sec'y, State Board C. and A. P.
F. R. Dildine, President, State Board C. and A. P.
Cordelia A. Swan, Vice-Pres., State Board C. and A. P.
Ira B. Fee, Supt. of City Schools and member State Bd. of Ch. & An. Pro.
Frank L. Houx, Secretary of State
F. H. Westcott, Deputy Sec'y of State
Burke H. Sinclair, Secretary to Governor
Richard H. Scott, Justice, Supreme Court
William H. Kelly, Clerk, Supreme Court
Fred S. Fobes, Steno., Supreme Court
C. N. Potter, Ch. Justice, Supreme Court of Wyoming
Cyrus Beard, Justice, Supreme Court
Everett J. Lippard, with the *Wyoming Tribune*
Jas. B. True, State Engineer
Albert B. Bartlett, Deputy State Engineer

Iva T. Irish, Secretary, State Board of Control
 C. D. Shawver, Asst. State Engineer
 Henry Lloyd, State Engineer's Office
 Hazel M. McGuire, State Engineer's Office
 Julia Bartlett Freeborn, State Engineer's Office
 Levi Trumbull
 Frances A. Davis, State Librarian
 Agnes R. Wright, Chief Clerk to State Librarian
 Edith K. O. Clark, State Supt. of Pub. Inst.
 T. B. McDonough, Dep. State Supt. of Pub. Inst.
 Cornelia B. Mills, Bk., State Board of C. & R.
 Marie E. Lawfer, Steno., State Board of C. & R.
 Agnes R. Vollack, Steno., State Board of C. & R.
 Maurice Groshon, Dairy Food and Oil Commissioner
 Nell Martin, Dairy Food and Oil Dept.
 Fred L. Thompson, Sec'y, State Board of Live Stock Commissioners
 S. G. Hopkins, Commissioner of Public Lands
 L. A. Miller, Chief Clerk to Commissioner of Public Lands
 Anna C. Klett, Temp. Stenog., State Examiner
 George M. Sliney, Adjutant General
 T. P. Fahey, Office Com. Public Lands
 H. A. True, Jr., Engineer, Com. Public Lands
 Grant G. Hopkins, Asst., Com., Public Lands
 E. L. Clark Engineer, Carey Oct. Dept.

EDITORIAL ENDORSEMENTS OF TWO OF THE LEADING NEWSPAPERS OF WYOMING

From the Wyoming Tribune

"While there are those who will deride or seek to discredit the Hornaday plan, it has a great deal of merit, because it would place much of the big game of the country under the protection of the strong arm of the Federal government.

"There are those also who make light of Dr. Hornaday's suggestion that the food supply of the country may be materially augmented by the propagation and protection of big game. When one realizes that the aboriginal races in this country and the pioneers in nearly every country subsisted to a large extent upon wild game, the argument is plausible and worthy of consideration."

From the Cheyenne State Leader

"Petitions are being circulated for signatures endorsing the Hornaday plan for the better preservation of big game. It is greatly hoped that much lively interest be taken in this matter, that signatures attached to a memorial by Dr. Hornaday to congress may effectively assist in the presentation of the bill."

RESOLUTIONS OF ORGANIZATIONS.

WOLF CREEK ROD AND GUN CLUB.

Resolved, That the Wolf Creek Gun Club hereby endorses and approves the Hornaday plan for the creation of

game sanctuaries in national forests for the increase of food and sport, on lands not suitable for agriculture or stock grazing; and we hereby request the Senators and Representatives in Congress from the State of Wyoming to aid in the enactment of a law to carry into effect the provisions of the Hornaday plan. And be it further

Resolved, That a copy of this Resolution be forwarded to each member of the Wyoming delegation in Congress.

JOHN B. DUNCAN, *Secretary*.

SHERIDAN SPORTSMEN'S CLUB.

Resolved, That the Sheridan Sportsmen's Club hereby endorses and approves the Hornaday plan for the creation of game sanctuaries in national forests for the increase of food and sport, on lands not suitable for agriculture or stock grazing; and we hereby request the Senators and Representatives in Congress from the State of Wyoming to aid in the enactment of a law to carry into effect the provisions of the Hornaday plan. And be it further

Resolved, That a copy of this Resolution be forwarded to each member of the Wyoming delegation in Congress.

SHERIDAN SPORTSMEN'S CLUB,

F. A. HODSON, *Vice-President*.

E. B. ALLAN, *Secretary and Treasurer*.

INDIVIDUAL ENDORSEMENTS

State and Federal Officers

Robert H. Hall, State Senator, Hudson
Theodore C. Diers, State Senator, Sheridan
Nate P. Wilson, State Game Warden, Lander
C. P. Sorensen, Asst. Game Warden, Rock Springs
Geo. N. Akin, State Mine Inspector, Sheridan
H. R. Millard, D. V. M., Secy.-Treas., Wyoming State Board of Sheep Commissioners, Cheyenne
William C. Menzner, District Judge, Cheyenne
Lionel H. Sherman, Forest Ranger, Dayton
W. H. Seebohm, Asst. State Game Warden
Fred. W. Cooper, Supt., Fish Hatchery, Story
John Baillie, Supt. Fish Hatchery, Laramie
James Blackhall, Forest Supervisor, Encampment
Alex Nesbet, Register Land Office, Evanston
Wade H. Fowler, Register, U. S. Land Office
W. J. Wood, Register, U. S. Land Office, Sundance
J. Elmer Brock, State Board of Live Stock Commissioners, Mayoworth

Felix Alston, Warden, State Penitentiary, Rawlins
 John G. Cogswell, Physician and Surgeon, State Board of Medical Examiners, Riverton
 V. J. Tidball, District Judge, Laramie
 L. B. Milward, Deputy Game Warden and Ranchman, Dayton
 M. David Harris, U. S. Commissioner, Lowell
 Chas. T. Snyder, Asst. State Game Warden, Douglas

University of Wyoming

C. A. Duniway, President, University of Wyoming, Laramie
 F. S. Burrage, Sec'y, University of Wyoming
 Owen Nelson, Professor of Botany, University of Wyoming

GENERAL

Alcova:

Henry D. Schoonmaker, Ranchman

Banner:

R. Lee Bullington, Ranchman

Big Horn:

Malcolm Moncreiffe, Ranchman and Banker
 William Moncreiffe, Ranchman
 U. Milton McCoy

Big Piney:

C. M. Miller

Buffalo:

J. A. Moore, Ranchman
 C. C. Fachs, Ranchman

Burlington:

Chas. F. Hensley, Bank Cashier

Cheyenne:

J. J. Slowalter, City Clerk
 Catherine Chaplin, Sec. to Administrative Officers, School Dist. No. 1
 J. C. Liston, Teacher
 Reginald S. Davis, Teacher
 Lulu M. McCormick, Teacher
 J. S. Lincoln, Traveling Salesman
 L. Kabis, 114 W. 17th Street
 Myra K. Graham, Teacher
 E. S. Bartlett, Teacher
 Virginia Warkley, Teacher
 Mabel O. Hawes, Teacher
 Irene M. Green, Teacher

Cody:

Walter L. Hoffman, Ranchman

Cora:

A. W. Mershon, Ranchman

Dayton:

Charles A. Davis, Deputy Sheriff
 W. H. Walling, Stock and Farms
 H. B. Fulmer, Ranchman
 Evelyn Milward, Rancher
 George Milward, Ranchman
 H. E. Baldwin, Ranchman
 H. H. Leeke, Dep. Assessor
 R. D. McDonald, Stockman
 P. W. Ratcliff, Blacksmith

Douglas:

Edward T. David, President, Florence Hardware Company
 "Dec. 15th, 1915. I am very strongly in favor of the plan as mapped out, and am confident if it is carried into effect, it will be the cause of a great increase of the big game of this entire section of the country.—Edw. T. David."

Esterbrook:

John Foxton, Ranchman

Laramie:

H. E. McCollum, M.D., Physician

Riverton:

Earl Warren, Stock Farmer

Rock Springs:

E. M. Kelley
 J. N. Taggart
 L. Sorensen

Sheridan:

Thomas T. Tynan, Mayor
 J. J. Early, Supt. of Schools
 E. W. Wilson, City Clerk
 W. G. Birkhaenser, City Com. Elect.
 James J. Withrow, County Clerk
 M. Steele, Sec'y, Commercial Club

H. B. Linder, Banker
 Edward Gillette, Civil Engineer,
 B. F. Perkins, Banker
 Jas. LeFors, Ls. Inspector
 M. L. Blake, Attorney
 D. Kahn
 H. C. Eliot, D.V.S.
 Geo. H. Brown, Hotel
 J. F. Hoop, Attorney
 J. Franklin Heald, Jeweler
 C. L. Hoag, Banker
 C. H. Grinnell, Cattleman
 Della C. Patrick, Ranchman
 John E. Patrick, Ranchman
 J. J. Mong, Ranchman
 Mrs. Ferrier, Rancher
 George Lord, Hardware
 W. E. Foley, Furniture Merchant
 P. E. Brown, Saloon
 C. H. Taffner, Clerk
 E. R. Dinwiddie, Hardware
 G. G. Carroll, Real Estate
 J. J. Bentley, Real Estate
 L. C. Booth, Commercial Traveler
 E. B. Allan, Banker
 Mrs. E. E. Clancy, Florist
 Roy Seney, Druggist
 John D. Stone, Storage
 F. A. Sinff, Groceries
 L. T. Cox, Art Store
 Dr. C. E. Stevenson, Physician
 Ernest C. Bowman, Civil Engineer
 W. Frackleton, D.D.S., Dentist

D. W. Jones, Gen. Mgr., Sheridan Railway Co.
 P. J. Pelissier, Storekeeper
 W. E. Pelissier
 A. H. Hufford, Cashier
 Thad. S. Cole, Merchant
 T. B. Butler, Waiter
 John M. Miller, Grain Merchant
 F. A. Hodson, M.D., Physician
 Bert C. Lee, Dentist
 Berton B. Reed, Undertaker
 R. A. Kinnan, Manufacturer
 L. Verne St. John, Pharmacist
 Donald Cofferen, Stationery
 Wm. L. Flanagan, Ranchman
 Rev. Edward M. Cross, Clergyman
 Angela W. Cross
 Sidney E. Bartlett

Story:

P. S. Dowling, Farmer and Saw Mill

Superior:

O. M. Curtis

Wolf:

Howard Eaton, Ranchman
 F. A. Eaton, Ranchman
 W. L. Eaton, Ranchman
 Patty A. Eaton, Rancher
 Wm. Curtis, Ranchman
 J. L. Fleming, Clerk
 John B. Duncan, Guide
 A. H. Beidler
 L. C. Herderick

A REMARKABLE WYOMING EXHIBIT

Voluntarily, and quite unsolicited by us, the Federation of Women's Clubs of the State of Wyoming has prepared and forwarded to the Wyoming delegation in Congress the most remarkable document ever brought before a legislative body to secure the protection and increase of American game. At long intervals we see the officers of organizations of sportsmen appear in lawmaking bodies with resolutions of request or endorsement in behalf of wild game, and of the preservation of sport with the gun; but in all our twenty-three years of experience in wild life protection, we never yet have seen a real petition of sportsmen, numerous signed, presented in behalf of the propagation and increase of wild life. Of course such petitions may have been presented somewhere; but it never has been our fortune to see one. *Of petitions to open gates for the slaughter of game, there have been many!*

It has remained for a powerful state organization of women to show the sportsmen of America how to manifest a heartfelt and abiding inter-

est in a measure for the increase of big game, and the real maintenance of sport. Here is an endorsement and petition signed by 645 names, which is an exhibit of first rank importance. It has been prepared and presented to a State delegation in Congress because the women of Wyoming realize the awful disappearance of the game of their state, because they desire the real conservation and increase of game, and because, as the mothers of sons, they do not wish to see manly sport with the rifle become an extinct pastime.

This remarkable petition from the Wyoming State Federation of Women's Clubs may well be taken as a concrete example of public interest in the preservation and increase of game when that interest is given a good opportunity to declare itself in writing. No thoughtful man will doubt the possibility of producing from each one of the 48 states of our nation a petition just like this one in behalf of the measure to create 100 preserves in our national forests for the INCREASE of game. The enterprise of the Women of Wyoming in this matter may well be accepted as an exhibit of the interest that we know exists in every state in this subject. If state petitions bearing a total of one hundred thousand names are necessary to convince Congress of the breadth and depth of public interest in this subject, *we have only to ask for them to bring them forth.*

It is a curious commentary on the sportsmen of the West that the only heavily-signed petition for the increase of big game in our national forests should have come to Congress from a body of women! Perhaps the men of the West were so busy in trying to find and shoot the remnant of western game that they had not time to prepare and circulate petitions such as this.

With our hats off, we salute the Women of Wyoming!

W. T. H.

A PETITION*

To all Senators and Representatives in Congress from Wyoming:

In view of the alarming and steadily increasing scarcity of large game in Wyoming, the high cost of living, and the threatened extinction of sport with the rifle for our sons, we hereby signify our cordial endorsement of the Hornaday Plan for the creation of a large number of game sanctuaries on those portions of the national forests of the West that are not suitable for agriculture or for stock-grazing, and we respectfully request and urge that you will aid in every possible way in promoting at the next session of

*This petition was drafted and circulated by MRS. GALEN A. FOX, of Cheyenne, and an energetic corps of co-workers in the Federation.

Congress, the enactment of a federal law to carry that Plan into effect with the least possible delay.

The Plan referred to, and hereby supported, is as follows:

[*Here follows published Plan in full.*]

Basin:

M. B. Nash
Mrs. James O'Neil
J. B. Thompson
C. J. Renne
H. E. Wise
F. A. Wise
H. Harris
Bertha K. VanDevender
W. S. Pease
F. H. Whitman
R. J. Extra
S. F. Feddersen
W. T. Colley
Mrs. Wm. C. Snow
Mrs. R. B. West
Mrs. E. D. Gantt
Mrs. C. E. Shaw
Mrs. M. B. Nash
Mrs. Percy W. Metz
Mrs. Fred P. House
Wm. C. Snow
Wm. J. Stanley
Elizabeth Sullivan
Will Feddersen
D. E. Lewis

Buffalo:

Mrs. C. S. Baker
Mrs. J. C. VanDyke

Burns:

Stephen H. Sibley

Camp-Stool:

B. E. Crist

Carpenter:

J. L. Gaswirt
Fred Weyner

Caspar:

J. W. Longshore
L. D. Branson
Wm. E. Young
W. D. Thorne
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Joe. A. Murray
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 Lew McKey
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 D. O. Mout
 Harry Martindale
 L. J. Duhig
 W. C. Peters
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 Mildred E. Hicks
 G. C. Ford
 Bernice M. Thomas
 O. E. Shelburne
 Lena Innes
 Edith M. Fedder
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 O. V. Natnick
 Louise E. Natnick
 R. A. Ferguson
 Hazelle Ferguson
 Mrs. M. R. Merrill
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 D. Lake
 J. S. Russell
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 J. T. Jones
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 Chas. G. Buechner
 J. A. Strud
 Mrs. I. D. Smith
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 R. H. Stine
 Mrs. Fred Tallon
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 Ross Hibbard
 C. H. Newman

P. Edwards
E. Stowe
L. L. Donnan
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Ray Hake
C. W. Eujn
Mrs. F. S. Coulter
Mrs. H. W. Rich

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Inis Fred Bragg
Mrs. W. S. Green
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F. B. Paris
J. F. Hampton
J. A. Gates
V. E. Russell
M. V. Gage

UTAH.

THE PRESIDENT OF THE MORMON CHURCH.

Office of
The First Presidency.

Salt Lake City, Utah, October 19th, 1915.

Elder Claude T. Barnes,
City.

Dear Brother:

President Smith received, signed and returned the card sent by you for his signature, and directs me to say in answer to yours of the 16th inst., that he is of course in full sympathy with the work being done for the preservation of our wild game, and congratulates you heartily on the active and intelligent part you are taking in it, and wishes you and all others engaged in this most praiseworthy cause all the success your efforts merit, and are justly entitled to.

Yours, &c.,

GEO. F. GIBBS, *Secretary*.

EDITORIAL ENDORSEMENT.

From the Salt Lake City Herald Republican:

Dr. Hornaday's idea should be heartily approved in Utah where the gradual disappearance of wild game is a matter of regret, as it is elsewhere. There was excellent hunting in the mountains of the state in earlier days, and it can be restored if some such project as he advances is furthered by law.

ENDORSEMENTS OF ORGANIZATIONS

Citizens League of Utah (Salt Lake City)

Claude T. Barnes, President

Utah Audubon Society (Salt Lake City)

Claude T. Barnes, President

INDIVIDUAL ENDORSEMENTS

State and Federal Officers

William Craig, State Senator, Ogden

John A. Widtsoe, President, Utah Agricultural College, Logan

S. P. Ewing, Game Warden, Cache County, Smithfield

Wm. M. Anderson, Forest Supervisor, Vernal

John C. Cutler, Ex-Governor of Utah

Arthur L. Thomas, Ex-Governor of Utah

Heber M. Wells, Ex-Governor of Utah

"Nov. 17, 1915. The Hornaday plan for increasing the supply of game in the United States meets with my approval, as I am enthusiastically in favor of any regulations that will prevent the wanton destruction of game, and increase the supply as the years roll on. If the Federal law proposed will empower the Secretary of Agriculture only to select areas in National Forest Reserves already set apart as such for the game sanctuaries I shall be heartily in favor of that, but I could not lend my endorsement to any further encroachment of the public domain which is normally open to entry for any purpose conferring further government control."

HEBER M. WELLS,

Commissioner of Parks and Public Property.

GENERAL

Salt Lake City:

Joseph F. Smith

Claude T. Barnes, Lawyer, Ex-member of Utah Legislature

Noble Warrum, Postmaster

J. P. Fanning, Clerk of Court

R. G. Goldering, Crier, U. S.

Court

I. J. Starbuck, Deputy Sheriff

A. S. Thomson, Deputy Sheriff

Chas. E. Wood, Deputy Sheriff

Geo. A. Eton, Supervising Prin. of High Schools

M. W. Earl, Constable

Henry Betz, Police Officer

Geo. B. Hancock, Att'y-at-Law

J. R. Fetcher, Attorney

Mathouihah Thomas, Lawyer

Benner X. Smith, Lawyer

Athol Rawlins, Lawyer

W. H. Holland, Lawyer

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T. Ellis Browne, Att'y-at-Law

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Wm. M. McCrea, Att'y-at-Law

Charles Baldwin, Att'y-at-Law

A. M. Cheney, Lawyer

Frank K. Nebeker, Lawyer

Mrs. A. O. Treganza, Secretary,

Cooper Ornithological Club

John Malick, Minister

John N. Eslinger, Real Estate

T. DeWitt, Foster, Newspaper Reporter

I. Barnes, Alta Club

Moylan A. Fox, Alta Club

J. E. Bamberger, Mining

Ellsworth Daggett, Mining Engineer

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D. Moore Lindsay, Surgeon

Wm. G. Nebeker, Mining Engineer

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W. W. Riter, Banker

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E. J. Reveren, Knitting

N. Y. Schofield, Credit Man

W. N. B. Shepherd, Accountant

Frank Y. Taylor, Real Estate

E. W. Kelly, Merchant

H. J. Grant, Insurance

C. L. Reinhardt, 503 Felt Bldg.

N. T. Johnson, Real Estate

W. E. Schoppe, 1155 E. 6th St.

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Bear River:

Hyrum J. Hanson, Post Master

Beaver:

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J. F. Folton, Merchant

Bingham Canyon:

R. C. Bee, Merchant

C. W. Buchholz, Banker

C. H. Countryman, Merchant

G. E. M. Dwyer, Mining

J. L. Finney, Office Clerk

Dr. A. L. Inglesby, Dentist

Dr. F. E. Straup, Mayor

E. E. Dudley, Justice of the Peace

D. I. Hays, Merchant

F. U. Quinn, Town Clerk

A. L. Heaston, Fire Warden

S. S. Jones, Marshall

I. B. Jones, Police Station

Geo. R. Stule, Druggist

John Knudsen

Bountiful:

Chas. R. Mabey

Brigham City:

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Geo. A. Anderson, Bank Teller

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George Beard, Manager, Coalville Cor.

Cove:

J. C. Allen, Farmer

Elgin:

L. H. Grier, Merchant

Eureka:

W. J. Adams, Lumberman

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Farmington:

Nephi Palmer, Abstracter

Fillmore:

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John C. Kelly

G. R. Huntsman, General Merchandise

Fish Springs:

R. S. Sutton, Mining

Fruita:

A. E. Carrell, Post Master

Fruitland:

Wm. J. Rowe, Postmaster

Garland:

J. A. Wixom, Publisher, Garland Globe

Gisborn:

C. J. Garber, Mining and Postmaster

Glendale:

Ella Anderson, Telephone Operator

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J. M. Rutt, Stockman

J. J. McCarty, Hotel

Grouse Creek:

A. F. Richins, Ranchman

Gunnison:

Linda Beardsley, Postmaster
C. M. Edwards

Heber:

Joseph R. Murdock, Business-
man

Jensen:

Earl Douglass, Geologist

Kamas:

R. W. Barnes, Banker
Clifford Warr, Banker
I. Barnes, School Teacher

Kaysville:

John R. Barnes, Banker
Henry H. Blood, Manager, Mill-
ing Co.
John G. M. Barnes, Farmer

Kenilworth:

W. J. Elwood, Mine Sup't

Laketown:

Joseph Irwin, Post Master

Lewiston:

A. G. Barber, Banker

Logan:

H. E. Hatch, Banker
Jno. H. Wilson, Manufacturer
H. A. Pederson, Real Estate and
Loans
E. D. Ball, Dir. Exp. Station
John T. Caml, Teacher and
Farmer
Allan, M. Fleming, Farm Loans

Lund:

Frank E. Brenner, Agent, Con-
tinental Oil Co.

Midvale:

M. Orson Ryan, Sup't of Schools

Oak City:

J. Alvin Lyman, Merchant

Ogden:

J. M. Mills, Sup't of Schools

Provo:

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Reid Beek
H. J. Richards
Geo. E. Robison, Physician and
Surgeon
Edwin H. Smart, Teacher
Jno. C. Swenson, Teacher
L. E. Eggertsen, Sup't of Schools
N. F. Wilson, Principal, Parker
School
F. M. Young, Principal
R. E. Allen, Banker and Stock-
owner
C. M. Clark, Physician and Sur-
geon
Fred Buss, Professor Geology,
Brigham Young Univ.
S. P. Eggertsen, Teacher
Alex. Hedquest, Druggist and
Real Estate
Briston G. Peterson, Mining
Fred W. Taylor, Physician and
Surgeon

Richmond:

W. A. Bair, Farmer

Trenton:

B. Y. Benson, Merchant

OREGON.

FROM THE GOVERNOR.

I may say unqualifiedly that I heartily approve of the work you and your organization are doing. So far as I am able to see, there are no reasons why your plan should not

receive widespread support, especially in the Western states; and I take pleasure in giving my endorsement.

JAMES WITHYCOMBE, *Governor.*

EDITORIAL ENDORSEMENTS

From the Portland Oregonian.

There is any quantity of facts to support Dr. Hornaday's statement that hunters left to their own devices quickly exterminate wild game. We need only think of the "passenger pigeon" which once flew by the million over the Mississippi Valley states. The prairie chicken of the Wisconsin and Dakota harvest fields has gone the same way. Dr. Hornaday says we shall soon see the last of the Oregon sage grouse, if it is not efficiently protected.

His plan of protection is to establish game preserves in the Government forests upon land which is not available for farms. The project is excellent. With proper protection in the breeding season almost any species of game may be made to increase rapidly. There are vast areas of land which could be caused in this way to produce great quantities of food for man, while for other purposes they are worthless.

Hitherto, most of our game laws have been repressive. They have forbidden improper killing, but they have done little to propagate. Dr. Hornaday's plan would supply this omission in a highly desirable manner.

From the Portland Telegram.

There are 25,000,000 acres of forest reserve in Oregon alone, the majority of which is not suitable for grazing purposes, but could be used as a refuge for game animals. This would interfere with no one, and in time would make the country abound with game as it once did, besides providing a sane plan for protecting these species of animals for future generations. By this new plan the game department would probably work in conjunction with the foresters, after the plan now being taken up by the state fish and game commission and forestry department in regard to the conservation of state game and fish.

INDIVIDUAL ENDORSEMENTS

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W. H. Ragsdale, State Senator (Member, Rod & Gun Club), Moro.
 William L. Finley, State Biologist
 Thomas P. MacKenzie, U. S. Asst. District Forester
 F. M. Brown, Chief Deputy Game Warden, Portland
 F. C. Hills, Game Warden, Eugene
 G. E. Leach, Game Warden, Tillamook
 J. M. Thomas, Deputy Game Warden, North Bend

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 Orin L. Patterson, Pres. Canyon
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 F. S. Slater, Cashier, First Na-
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 P. F. Chandler, Publisher

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Charley Ray, Farmer

Corvallis:

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 B. V. Simms, Instructor at Agri-
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 J. B. Horner, Teacher
 A. B. Cordley, Dean of Agricul-
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 D. O. Day, Prospector
 R. R. Biddle, Letter Carrier
 Fayette O. Brownson, Hotel
 Mrs. F. D. Brownson
 Mrs. Geo. Griffin
 Geo. F. Willoughby
 Mrs. Ada Bly, Restaurateur
 Morris Yeiser, Cashier
 G. W. Griffin, Hardware
 H. C. Auld, Lumberman
 Dan'l Auld, Farm Mortgages
 Frank H. Wood, Painter
 R. L. Moore, Letter Carrier
 F. M. Carter, Cold Storage
 Mrs. W. B. Johnston
 C. C. White, Foreman
 J. W. Buoy, Farmer

Marshfield:

J. W. Bennett, Att'y

McMinnville:

J. B. Dobson, County Judge
 H. S. Maloney, County Recorder
 C. B. Wilson, County Clerk
 Hewey M. Hoskins, Postmaster
 M. F. Corrigan, Bank Cashier
 W. J. Vinton, Att'y-at-Law

Medford:

W. J. Vawter, Att'y-at-Law
 W. F. Isaacs, Merchant
 R. L. Ewing, Sporting Goods
 Dealer

Moro:

Grover Duffy, Pres. Rod & Gun
 Club
 Alex Hunter, Real Estate (Mem-
 ber Rod and Gun Club)
 F. A. Sayre, Farmer (Member
 Rod and Gun Club)

Oakridge:

W. B. Johnston, Railway Con-
 ductor

Point Terrace:

Edna M. Harvey, Teacher

Portland:

V. E. Anderson, Abstracts of
 Title
 O. F. Attiben
 G. C. Bramar, Credit Manager,
 Olds, Wortman & King
 Arthur M. Churchill, Lawyer
 R. G. E. Cornish, Lawyer
 F. J. Craig, Superintendent
 Geo. H. Crawford, Manager, Gol-
 den Rod Milling Co.
 W. A. Eliot, Caterer
 Robt. S. Farrell, Commission Mer-
 chant
 Chester J. Hogue, Consulting En-
 gineering
 Frederick V. Holman, Lawyer
 George F. Holman, Att'y-at-Law
 R. Bruce Horsfall, Artist
 H. L. Idleman, Investments
 M. H. Insley, Manufacturer
 Felix Kahn, Merchant
 C. W. King, Vice Pres't Olds,
 Wortman & King
 John M. Mann, Printer
 A. C. McMickey, Portland Ry.
 Light and Power Co.
 Dr. A. W. Moore, Physician
 H. L. Moreland, Accountant

W. C. Morgan, Professor of Chemistry
 E. A. Pierce, Physician
 F. W. Skiff, Olds, Wortman & King
 J. B. Slunuctions, Contractor
 J. R. Tomlinson, Electrical dealer
 H. C. Wortman, Merchant

Roseburg:

A. T. Marshall, Merchant

Springfield:

Walter Kestly, R. R. Inspector

The Dalles:

J. E. Anderson, Mayor
 Levi Chrisman, Sheriff
 P. J. Stadelman, Merchant
 N. A. Bonn, Merchant
 Edward C. Fuse, Merchant
 H. E. Willerton, Implement dealer
 M. T. Donnell, Druggist

Tillamook:

E. F. Lanthlen, Sportsman
 C. F. Kuestler, Farmer

WASHINGTON.

EXTRACTS FROM LETTER OF A. G. GRAY, PRESIDENT OF THE EASTERN WASHINGTON ASSOCIATION OF GAME COMMISSIONERS, AND CHAIRMAN OF THE COUNTY GAME COMMISSION OF SPOKANE COUNTY.

We realize full well in the West that in order to protect the game and to conserve it, it is necessary that these game preserves be established.

We got up a petition and circulated it throughout the state, directing that Congress do as I see from your pamphlet you are trying to do. Our idea was particularly in the State of Washington that there is a lot of land which is rough and so broken up that it is absolutely unfit for agricultural purposes and in many instances unfit for grazing purposes, and that if the Surveyor-General in the different reserves would survey out by metes and bounds certain parts and portions of these forest reserves, which would be unfit for any other purpose, and declare that by declaration of the President, a game preserve where no game bird or game animals at any time could be killed, that it would be a step forward, and we following out that line took the matter up with Senator Pondexter and you will find in him a friend to your Society and to the contentions you are asking for.

I am satisfied that you will find the game commissioners of the State of Washington absolutely and possibly to a man in favor of these game preserves.

EXTRACT FROM LETTER OF GEORGE J. HURLEY, COMMISSIONER,
OKANOGAN COUNTY GAME COMMISSION.

I am very much in favor of establishing game sanctuaries. We have a country well adapted for this purpose, and I am hopeful that you will succeed in getting a Federal law, such as suggested by your plan.

EXTRACT FROM LETTER OF L. B. FAULKNER, MANAGER,
OLYMPIA LIGHT AND POWER CO.

I have read the plan for a great annual supply of big game very carefully, and it seems to me one of the best movements that has ever been started in this country along this line, and should be given every kind of encouragement and support.

INDIVIDUAL ENDORSEMENTS

State and Federal Officials

Hon. ERNEST LISTER, Governor
Harve H. Phipps, State Senator, Spokane
E. H. Guie, Member of State Legislature, Seattle
R. B. Wales, State Game Warden, Spokane
R. L. Fromme, U. S. Forest Supervisor, Olympia
Everett Smith, Superior Court Judge, Seattle
Edward W. Allen, Assistant Attorney General, Olympia

University of Washington

Henry Suzzallo, President, University of Washington, Seattle
Edmond S. Meany, Professor of History, University of Washington
(President, The Mountaineers)
Frank G. Kane, Professor of Journalism, University of Washington
Trevor Kincaid, Instructor, University of Washington

GENERAL

Addy:

A. W. Anderson, Merchant

Bellingham:

A. J. Craven, Attorney-at-Law
H. L. Wolcott, Real Estate

Birdview:

Henry Thompson, County Commissioner and Farmer

Cheney:

W. J. Sutton, Banker and Farmer

Colfax:

Geo. H. Newman, Deputy Auditor, Whitman Co. (Ex-member, State Legislature)
Chas. L. Chamberlin, Attorney-at-Law

Everett:

H. B. Kinnan, Dentist

Harrington:

C. A. Bithel, Farmer and Stockman

Monroe:

Whit H. Clark, Banker

*North Yakima:*O. A. Fechter, Banker
Wm. P. Englehart, Attorney-at-law*Olympia:*H. C. Ranft, Supt., Olympia
Light and Power Co.
General Hazard Stevens, Farmer*Port Angeles:*Grant W. Humes, Mountain
Guide (Olympics)
J. C. Beam, Lumberman*Port Williams:*

Thos. J. Bugge, Gen. Mdse.

Rosario:

Robert Moran, Retired Shipbuilder

*Seattle:*Byron Phelps, County Auditor
C. B. Yandel, Executive Secretary, Chamber of Commerce
Roland Cotterill, Sec'y, Park Commission
J. E. Chilbey, Banker
Thomas Burke, Lawyer
Frank G. Pugsley, Lawyer
Thos. F. Murphins, Lawyer
C. H. Hanford, Lawyer
Tom. Alderon, Lawyer
Chas. Albertson, Civil Engineer
C. L. Andrews, Accountant

Writes: "Provided no special privileges are granted to anyone."

C. N. Armstrong, Merchant
Worrall Wilson, Pres., Wash.
Title Ins. Co.Redick H. McKee, Contractor
P. M. McGregor, Dentist
Robt. A. Hulbert, 901 Alaska
BuildingH. S. Horan, 1330 First Ave.
S. H. Hodges, Pres., Puget
Sound Bridge and Dredging
Co.Paul C. Harper, 118 Columbia
Street

William H. Gorham, Attorney-at-Law

H. A. Fuller, Accountant
A. J. Falknor, Attorney
J. F. Douglas, Building Manager
C. A. Dean, Lumber
Frank Dabney, Accountant
Thomas Crahan, Retired
Marshall Bond, Mining
Alfred Battle, Attorney-at-Law
M. F. Backus, Pres., Nat'l Bank
of Commerce*Spokane:*Geo. V. Shaefer, Lawyer
Max M. Neumann, Investments
Z. Steuart, Abstractor
John Gray, Mining*Tacoma:*Wm. W. Seymour, Banker and
Ex-mayor of Tacoma
A. H. Denman, Lawyer
Peder Jensen, Chemist
Allen C. Mason, Financial Agent
F. L. Stocking, Manufacturer
J. H. Weer, Wholesale Grocery*Walla Walla:*

T. C. Elliott, Banking

*Whidby Island:*Frank J. Pratt, Jr., Lawyer—
Retired

CALIFORNIA.

EDITORIAL ENDORSEMENT

From the Redlands Daily Facts.

"This is a subject that will be of local interest, inasmuch as the Angeles national forest, which lies close at hand, is one of the largest

of the national forests close to civilization, and is particularly suited to work of this kind. In fact, the Legislature of this state has already located two preserves within it with the laudable idea not only of increasing the big game for future hunting, but also that tourists through the reservation may occasionally get a sight of this wild life, such glimpses of game adding immeasurably to the attractions of the forest.

"It would be an advantage if the national government would take over these refuges, or establish such as it might determine were wise, because under those conditions the forest rangers would be the policing officers, and arrangement would be made at the same time to kill off the predatory animals, which deplete the quantity of game."

From the Santa Cruz Surf

"There is nothing more to be said except 'Go to it.'"

From the San Francisco Call

"Thousands of men and boys find the chief pleasure of their vacations in hunting big game, but there is always the danger that deer will become extinct in this state unless breeding is stimulated. On the other hand there is the dread of foothill ranchers that if deer be too carefully protected the vineyards, orchards and grain fields will be overrun and seriously damaged. Vermont has met that situation in a broad spirit. Realizing the value to that state of game breeding and protection, it has provided that farmers damaged by deer shall be reimbursed by the county. The deer have increased greatly in the state, but the annual state payment for damages has not been \$2,500.

"It is something for California to consider."

From the San Francisco Bulletin

"The preserving of fish and game for the delectation of wealthy sportsmen is about the most trivial occupation in which a State or an organization could engage. But it is very much worth while to preserve wild life for its own sake, to guard it from extinction, and to maintain the natural balance between fowl, insect, animal, fish and plant.

"If anyone sympathizes with these ideas and wishes to give his sympathy practical expression he can probably learn how from Dr. William T. Hornaday, director of the New York Zoological Park. He advocates a Federal law enabling forest refuges to be established for birds which cross State lines and which may, therefore, be said to engage in interstate commerce."

RESOLUTIONS OF ENDORSEMENT.

SOUTHERN CALIFORNIA ACADEMY OF SCIENCES.

Resolved, That the Southern California Academy of Sciences hereby endorses and pledges its support to the Hornaday plan for the making of game sanctuaries in portions of the National Forests that are unsuitable for the

grazing of domestic stock and for agriculture; and we hereby request our Members of Congress to aid in enacting the plan into law.

State of California,
County of Los Angeles,
ss.:

HOLDRIDGE O. COLLINS,
Secretary of the Southern California Academy.

CALIFORNIA FEDERATION OF WOMEN'S CLUBS.

At a state board meeting of the California Federation of Women's Clubs held Oct. 29th, 1915, I presented "The Hornaday Plan," and it was adopted.

MRS. JAMES T. ROYLES, *State Chairman,*
Woodland, Calif.

INDIVIDUAL ENDORSEMENTS

State and Federal Officers

William Kent, Member of Congress, Kentfield
W. K. Robinson, Deputy, Game and Fish Com., El Toro
John M. Perry, Pres., California State Board of Agriculture
Wm. M. Dirks, Supt., California State Game Farm
L. R. Reynolds, Auditor, R. R. Commission of California
O. Chandler, Forest Ranger, Skyland Heights
E. P. Meinecke, Forest Pathologist, San Francisco

University of California

Benj. Ide Wheeler, President, University of California, Berkeley
C. A. Kofoid, Professor of Zoology, University of California, Berkeley
Albert L. Barrows, Instructor of Zoology, University of California
J. Grinnell, Museum Director, University of California
Edwin C. Van Dyke, Professor, University of California
W. P. Taylor, Curator of Mammals, Museum of Vert. Zoology, U. of C.
Harold C. Bryant, Game Expert, Museum of Vert. Zoology, U. of C.
Tracy I. Storer, Museum of Vertebrate Zoology, U. of C.

GENERAL

Alhambra:

Mrs. Foster Elliot, Past State
Chairman Forestry, Calif. F.
of W. C.

Avalon:

T. S. Manning, Secretary, The
Tuna Club

Berkeley:

P. B. Kennedy, Professor of
Agronomy, College of Agri-
culture; President, California
Botanical Society

J. C. Nunani, Educator and In-
vestigator

- Dr. W. L. Jepson, Botanist
 Rev. J. L. Laughlin, Minister
 Harvey L. Hansen, Student, University of Calif.
 A. Speakman, Newspaper Man
 Geo. E. Stone, Natural History Motion Pictures
 Perry T. Tompkins, Real Estate
 Ferdinand Martins
- Boulder Creek:*
 Isaiah Hartman, Real Estate and Lumber
- Capitola:*
 Harry Harper, Sec'y, California Wild Life Defenders
- Carlotta:*
 H. Ernest Adams, Farmer
 H. E. Wilder, Retired
- Carmel:*
 M. Louise Hutchinson
- Claremont:*
 Wright M. Pierce, Photographer
- Corona:*
 Perle T. Glass, Hardware
 L. L. Andrews, Apiarist
- Corte Madera:*
 Henry Clay Hall, Pres., Calif. Wild Life Defenders
- Eagle Rock:*
 W. Lee Chambers
- Eureka:*
 W. L. Perrott, M. D., Physician
 Franklin J. Smith, Taxidermist
- Farmington:*
 J. H. Speaker, Farmer
- Ferndale:*
 Robt. A. Bugbee, Teacher
- Fresno:*
 H. C. Ohl, Taxidermist
- Honcourt:*
 A. Sweelson, Farmer
- Long Beach:*
 Capt. Chas. E. Davis, Fisheries
- Los Angeles:*
 Mrs. Harriet W. Myers, Secretary, State Audubon Society
- Mrs. Olive Thorne Miller, Naturalist and Author
 Mary Mann Miller
 Frank S. Daggett, Director, Museum of History, Science and Art
 Hector Alliot, Southwest Museum
 Fordyce Grinnell, Jr., Southwest Museum
 Mattie Fargo, Librarian
 Jos. W. Harasta, Pur. Agt., Calif. Petroleum Corporation
 Mabel Derby, Member, Audubon Society
 Mrs. C. J. Cummings
 O. D. Bennett, Oil
 E. L. Doheny, Oil Producer
 C. K. Barnett, 3039 Swift Street
 Berrine A. Johnson, 4323 W. Griffin Ave.
 Paul D. Ruthling, 2310 S. Union Ave.
 C. B. Howell, Merchandise Broker
 E. P. Chase, Electrician
 Norman Bridge, Security Building
 Fred Barnett, Proprietor, Reno Dairy
 G. A. Scroggs, M.D., Physician
 Frank Wiggins, Los Angeles Chamber of Commerce
- Mount View:*
 Rev. Frank Dickson, Minister
- Oakland:*
 Samuel Hubbard, 244 Montecito Avenue
 R. A. Leet, Druggist
 G. R. Talcott, Treas., Bowman Drug Co.
 T. B. J. Taylor, Druggist
 William H. Waste, Judge, Superior Court
- Orange:*
 Helen Josephine LeBeuf, 432 So. Olive St.
 J. E. Pleasants, Ranchman, R. R. No. 3
- Pacific Grove:*
 Charles R. Cushing, Sec'y, Monterey County S. P. C. A.

Palo Alto:

J. R. Sloanaker, Stanford University

Pasadena:

Richard G. Davis, Wild Life Cinematography
William R. Flint, Wild Life Cinematography
Mrs. Wm. R. Flint
Ernest H. May, Pres., Security National Bank
Garrett Newkirk, M.D., Physician and Dentist
H. J. Stuart, Union National Bank
William H. Vedder, Banker
H. H. Hallett
Charles O. Shepard

Redlands:

William N. Kline, Jr., Entomologist
Oliver H. Hicks, Retired

Redondo Beach:

Mrs. W. A. Galentine, Clubwoman

Riverside:

Elizabeth T. Arnold, Homekeeper

Sacramento:

C. M. Goethe, Capitalist

San Diego:

Mrs. H. E. Ricksecker, Chairman, Birds and Wild Life Com., San Diego Co.

San Fernando:

Lydeer P. Thatcher

San Francisco:

W. L. Chandler, Sec'y, Calif. Institute of Public Health and Sanitation
Barton Warren Evermann, Director Museum, Calif. Academy of Science
W. C. McInnis, Attorney
G. H. T. Jackson, 1112 Mission Street
H. R. Keehn, Telegrapher
M. L. Matterson, Newspaper Solicitor

Rev. W. A. Squires, Minister, Presbyterian Church
George Uhl, Wholesale Wallpaper

A. R. Willis, Minister
E. R. Zion, City Hall

San Jose:

A. M. Barker, Dentist
Andrew P. Hill, Artist

San Leandro:

Harris P. Jones, Lawyer

Santa Ana:

Parke S. Roper, 119 W. 4th Street
J. A. Turner, Cashier, Farmers and Merchants National Bank

Santa Barbara:

W. Leon Dawson, Ornithologist
Gretchen L. Libby, Teacher

Santa Cruz:

Mrs. Josephine Clifford McCrackin, Journalist and Vice-Pres., Calif. Wild Life Defenders
A. B. Carr, Merchant
Wm. F. Cothran, Physician
O. C. Kramer, Attorney-at-Law
A. D. Pena, Retired Merchant
E. R. Philbrook, M.D., Physician
J. B. Scott, Lawyer

Santa Paula:

Mrs. D. W. Mott, President, Ebell Club

Sisson:

Robert Caleagnino, Farmer
Everett Smith, Farmer
L. E. Smith, Traveling Salesman

Stockton:

John Anderson, County Supt. of Schools
Walter R. Welch, Fish and Game Warden

Tropico:

Julian W. Bennett

Vallejo:

Rev. D. A. Mobley, Clergyman

Ventura:

Mrs. L. B. Hogue, Vice-Pres., at
Large, C. F. W. C.

Woodland:

Mrs. James T. Royles, State
Chairman Forestry, C. F. W. C.

MONTANA.

FROM A LETTER OF THE GOVERNOR.

I am glad to endorse the plan, provided the same can be worked out without inflicting any damage on the interests of agriculture, cattle raising and sheep raising.

S. V. STEWART, *Governor.*

EDITORIAL ENDORSEMENT

From the Daily Missoulian

"While the various states have already done good work along the line of preserving the remnant of our wild animal life, except for the game preserves in the Yellowstone Park and the National Bison range there are few areas where game, animals and birds are safe from the destructive hand of man.

"Under the plan now proposed by Dr. Hornaday, an enormous increase in game may be had that may ultimately be killed for food, with little or no loss to the industrial interests of the western states.

"Millions of acres of our national forests are now destitute of game worthy of mention. Opportunities to create a great annual supply of big game are being wasted by lack of intelligent action and co-operation by the state and federal governments."

INDIVIDUAL ENDORSEMENTS

State and Federal Officials

"I think your scheme an excellent one, and that it should be backed by every one interested in the preservation of wild life in the United States.

E. P. MATHEWSON, *Chairman,*
Montana Game and Fish Commission.

O. G. Willett, State Senator, Alberton
Dana M. Easton, State Representative, Poplar
Chas. A. Hills, Member State Legislature, Missoula
J. A. Rainey, State Representative, Lindsay
R. E. Bodley, Forest Supervisor, Bozeman
John C. Van Hook, State Forester, Helena
Roscoe Haines, U. S. Forest Service, Missoula
Philip Grunan, Adjutant General, Helena

J. D. DeHart, State Game Warden and Sec'y, Montana Game and Fish Commission
 D. H. Morgan, Chief Deputy Game Warden, Helena
 A. A. Hofmann, U. S. Army Officer, Helena
 Joseph L. Ambridge, U. S. Marshal, Helena
 Frank Warden, Warden, State Preserve, Deer Lodge
 J. M. Scanland, Supt., State Hospital, Warm Springs
 M. J. Elrod, Teacher, University of Montana

GENERAL

<i>Alhambra:</i> M. J. Sullivan, Hotel	<i>Cut Bank:</i> John W. Coburn, Lawyer
<i>Anaconda:</i> Harold Blake, Mechanical Engineer C. A. Lemmon, Civil Engineer W. H. Dunnigon, Restaurant	<i>Dillon:</i> Frank Eliel, Merchant
<i>Avon:</i> George Moore, Merchant	<i>Fort Benton:</i> F. E. Stranahan, Lawyer
<i>Big Timber:</i> H. C. Pound, Clerk of Court W. P. Franklin, Banker and Farmer	<i>Glasgow:</i> John Willis, Stockman
<i>Billings:</i> Geo. W. Pierson, Lawyer P. B. Connelly, Automobiles J. D. O'Donnell, Farmer	<i>Glendive:</i> Dan. J. Donohue, Physician and Surgeon Denman J. O'Neil, Lawyer P. J. Moe, Dentist
<i>Bowler:</i> Wallace A. Bent, Stock Grower	<i>Great Falls:</i> J. M. Burlingame, Loans
<i>Bozeman:</i> B. B. Law, District Judge Risdon J. Cunningham, Supt. of City Schools Justin H. Smith, Lawyer J. C. McCarthy, Coal Mining R. S. Dawes, Real Estate O. D. Taylor, Transfer Agent E. H. Kleinschmidt, Merchant E. E. Earhart, Rancher E. O. Holm, Dentist O. E. Schmidt, Cigars and Tobacco Albert Schlechten, Photographer F. G. Slaughter, Cook	<i>Havre:</i> George B. Bourne, Banker C. F. Morris, Banker
<i>Butte:</i> Rev. Leslie A. Bechtel, Minister W. J. McMahon, Mining Engineer John M. Howard, Howard Music Co.	<i>Helena:</i> John G. Brown, Attorney-at-Law Loren C. Talbot, Reporter Geo. B. Hopkins, Accountant H. L. Sherlock, Clerk Park Smith, Attorney-at-Law Chas. T. Stewart, Insurance
	<i>Kalispell:</i> J. L. Slonaker, Science Teacher R. E. Johnson, Real Estate and Insurance C. S. Cairncross, Timber C. W. Pomeroy, Attorney-at-Law Writes: "Provided the aggregate area of sanctuaries in any county shall not be greater than 10% of the unsettled area of the county."
	<i>Lewiston:</i> Ralph J. Anderson, Lawyer

- A. J. Schmidt, Farmer
J. E. Lane, Lunchroom
- Libby:*
J. W. McKnight, Hotel
D. E. Schanck, Merchant and Rancher
- Logan:*
J. V. Strachan, R. R. Agent
- Manhattan:*
Henry Alterbrand, Jr., Treas.,
Manhattan Malting Co.
- Miles City:*
F. R. Sasage, Real Estate
J. B. Collins, Real Estate and Insurance
- Missoula:*
Joseph M. Dixon, Ex-United States Senator
J. H. Deering, Traveling Salesman
Frank S. Lusk, Banker and Stockman
He writes: "I received 40 young elk three years ago near Yellowstone Park and put them at my ranch. Legislature made 5 year term of protection around me. They have increased to nearly 100, counting this year's calves."
W. W. Berry, Passenger Conductor, Nor. Pac. Railway
Writes: "Thirty-three deer, mostly fawns, were loaded upon my train to-day. This slaughter should stop" (Dec. 8, 1915).
- Parkman:*
C. Perry Cooper, Ranchman
- Parma:*
J. W. Gladden, Stockman
- Pinele:*
Charles S. Einsel, Real Estate
- Plains:*
I. R. Blaisdell, Lawyer
- Power:*
Rasmus Jorgensen, Farmer
- Rosebud:*
W. J. Wallis, Banker
- Ruby:*
Chas. Kammerer, Mine Manager
- Sidney:*
H. R. M. Lord, Farmer
- Whitefish:*
J. P. Wilde, Merchant
- Whitehall:*
Wm. P. Green, Cashier, The Whitehall State Bank
- Wibaux:*
J. C. Kinney, Ranchman and Banker
- Victor:*
H. C. Groff, Banker

IDAHO.

INDIVIDUAL ENDORSEMENTS

State and Federal Officials

E. E. Elliott, State Senator, Rancher, Bonners Ferry
Emile Grandjean, Forest Supervisor, Boise
Mrs. Ella C. Reed, Asst. Librarian, State Hist. Dept., Boise
Bernice McCoy, Supt. of Public Instruction, Boise

GENERAL

Blackfoot:
Lulah E. Smith, Co. Sup't

Mrs. Fannie K. Kain, Probation Officer

Mrs. Jessie Woodin
Mrs. Lillyan Seaton Lee
Mrs. P. W. Powers
Mrs. C. F. Hendrie
W. A. Beakley, Lawyer

Boise:

Hortense McManus, Secretary to
Commissioner of Education
J. M. Anderson, Minister
Lesetta M. Lubken, Secretary
Hiram A. Hart, Bookbinder
M. Snowden Reed, Stenographer
Suzanne J. Taylor
Margaret S. Roberts, Secretary,
Traveling Library

Buhl:

Mrs. I. F. Constant, Pres. Civic
Club
Mrs. E. C. Swamur, Merchant
Miss Secota P. Morgan
Mrs. A. E. Wismer, Housewife
Mrs. E. B. Johnson
Mrs. W. H. Harvey

Caldwell:

R. W. Oakes, Merchant

Downey:

Will R. Ferris, Publisher
W. J. Muffer, Attorney
George A. Hancock, Mail Carrier
William J. Bybee, Farmer

Lardore:

Wm. M. Brown, Physician and
Druggist
"Give a more lenient and
liberal provision to the actual
settler in the interior for nec-
essary meat. The mountaineer
does not destroy the game. It
is the sportsman who kills in-
discriminately."
Charles W. Luck, Civil Engineer

Lewiston:

Byron Denfenbach, Accountant

Montpelier:

C. E. Wright, Publisher

Orofino:

W. M. Chandler

Paris:

J. R. Shepherd

Parma:

H. C. Baldinger, Merchant

Payette:

Harry T. Lewis, Fruit Grower

Pocatello:

J. M. Bestline, County Treasurer
C. M. Pomeroy, Clerk District
Court
O. B. Steely, Physician
R. H. Palmer, Lawyer
F. N. Morris, Y. M. C. A. Sec'y
A. L. Merrill, Lawyer
Marcus E. Lindsay, Minister
C. VanderDonck, Priest
Miles F. Reed, Pres., Idaho
Technical Institute
C. A. G. Myers, Y. M. C. A.
Sec'y
T. R. Robinson, Business Col-
lege
Benj. Wheatly, School Instructor
Hyrum Kay, Musician
Geo. W. Fritz, Salesman
Ray Stokes, Locomotive Fireman
Hans C. Boe, Bookkeeper
W. N. Jackson, Jr., Abstractor
H. V. A. Ferguson, Lawyer
Robert Dill, Veterinarian
B. A. Cummings, Lawyer
S. E. Harris, Women's Clothing
John Peterson
H. E. Breitweiser, Contractor
J. R. Vestal, Real Estate and
Farmer
D. R. G. Woodworth, Y. M. C.
A.
W. H. Witty, Attorney
J. P. Anderson, Farmer
H. L. Marshall
J. C. Van Dyke, Teacher
W. C. Barrett, Attorney
M. Smith, Marble and Granite
G. E. Tucker, Contractor
George Ridgeway, Lumber
A. G. Stockett, Engineer
G. H. White, Paint and Wall
Paper Dealer
J. C. Clark, R. R. Conductor
G. C. McKoon, Stenographer
Julius Robinson, Poultryman
E. F. Wickman, Laborer
Otis Jones, Farmer
G. Boswell, Railroadg
Kenneth D. Reid, Reporter

L. H. Ivins
 T. A. Ferguson, Mining
 J. T. Comles, Chief Clerk
 M. Myers, Assistant Secretary
 Grace Parker, Osteopathy
 Bruce Goranson, Real Estate
 O. B. Johnson
 Capt. N. H. Lorenzen, The Salvation Army
 C. A. Valentine, Banker
 Ezra J. Merrill, Banker
 Fred Kotter, Telephone
 W. B. Adkison, Teacher

Rupert:
 T. W. Halliday, Electrical Engineer
 E. H. Elmore, Physician
 Mrs. A. C. DeMary
 Mrs. Homer C. Mills
 Mrs. H. E. Tabb

Twin Falls:
 Henry H. Hour
 Mrs. Nettie A. Howe

NEVADA.

LETTER OF GOV. EMMET D. BOYLE OF NEVADA, TO
 GOV. GEO. W. P. HUNT OF ARIZONA.

I have your letter of the 24th instant together with the plan of Dr. W. T. Hornaday for the establishment of wild game sanctuaries throughout the western states.

The plan appears to me entirely practical, and I will be glad to lend my assistance in any way that you may suggest.

EMMET D. BOYLE.

Carson City, November 26, 1915.

INDIVIDUAL ENDORSEMENTS

State and Federal Officials

F. B. Balzac, State Senator, Reno
 Geo. T. Mills, Chairman, Board of Fish Commissioners

GENERAL

Elko:
 J. B. Fitzgerald

Goldfield:
 Emory J. Arnold, Mining
 Patrick W. Feely

Goodsprings:
 Frank Williams, Mining

Las Vegas:
 Peter Buol, Real Estate

Panaen:
 A. V. Lee, Merchant and Farmer

Pioche:
 A. L. Scott, Attorney-at-Law

Reno:
 M. J. Scanlan, Lawyer

Sparks:
 J. A. Archer, M. D., Physician

Tonopah:

Wm. Forman, Lawyer
I. F. Davis, Business Agent

Winnemucca:

T. A. Brandon, Lawyer
Chas. E. Swezy, M. D., Physician
H. K. Davis, Liquor Dealer

MINNESOTA.

FROM THE GOVERNOR.

I cordially approve of the efforts you are making, and it seems to me that it is well to have national legislation upon the subject. Your plan appeals to me very strongly, and I hope it may receive the sanction of Congress.

W. S. HAMMOND, *Governor.*

EDITORIAL ENDORSEMENTS

From the Minneapolis Journal:

The game refuge is the best device yet contrived for the preservation and perpetuation of wild species. Game laws with their closed seasons, their restrictions of bags and other inhibitions are only partially effective, because they are so frequently and so easily violated. But a sanctuary where game animals are safe from attack the year round is soon populated by animals which, realizing their safety, bear and rear their young under the best possible conditions.

It is found, too, that the regions surrounding such a sanctuary are also repopulated by the overflow, affording good hunting in season. For this reason the plan of having a number of refuges of medium size well scattered is better than a few large ones. They form a chain of centers from which the restoring of the natural species goes on rapidly.

When that leading authority on game protection, Dr. William T. Hornaday, was here some weeks ago, he outlined to the State game organization then perfected his plan for conserving game in Minnesota and other similarly situated states. It contemplates the establishment of game sanctuaries in the midst of National forests and reserves.

Congress ought by all means to pass this bill, and the co-operation of the States should be enlisted for the establishment of other sanctuaries in State parks and forests. Minnesota has already made a beginning with the Minnetonka, Bemidji and Minnesota River refuges, and could easily establish sanctuaries in State parks in co-operation with the Federal refuges to be delimited in the Superior Reserve.

The plan is so promising for game preservation that Minnesota's delegation in Congress should unite in helping push the measure through.

From the Duluth Herald:

To conserve the supply of wild game is a matter of food and human interest as well as sentiment.

Minnesota still has large supplies and fish, but the time is close at hand when unless more strenuous efforts are put forth the supply will be close to exhaustion.

Dr. W. T. Hornaday, head of the New York Zoological Park and a trustee of the Permanent Wild Life Protection Fund, has devised a plan for conserving big game in Minnesota, with the national forests as a basis, which will be brought before Congress this winter. His plan is simple, practical and cheap, and there ought not to be the slightest hesitation about adopting it.

By neglect, this country has frittered away most of its game supply, and in a large degree it is still frittering. Every intelligent plan to conserve the game supply, therefore, should have the widest possible support.

Minnesota, with its great national forest on the north boundary—and its state forests that might, by action of the state, be added—is admirably situated for an experiment with Dr. Hornaday's plan.

This plan will be before Congress this winter. It ought to be adopted. To that end we suggest that all who are interested take the trouble to write to their Senators and Representatives in Congress, urging them strongly to support the measure that will be offered.

TO CONGRESS, FROM THE MINNESOTA GAME PROTECTIVE LEAGUE.

WHEREAS, All forms of wild life are rapidly disappearing throughout the country, chiefly through lack of proper conservation; and

WHEREAS, Our National Forests are themselves practically destitute of game, although such areas are readily susceptible of supporting all kinds of game in abundance which would constitute an enormous asset to the country as a whole:

Therefore, be it resolved:

By the Minnesota Game Protective League,

That the time has fully come for affirmative action for the preservation of the wild life of the United States which is threatened with extinction.

Further resolved, That this League unanimously endorses the plans formulated under the "Permanent Wild Life Protection Fund," for the establishment of Government sanctuaries for game within the National forest reservations; and

Further resolved, That this League is unanimous in declaring that no other one step is comparable to that em-

bodied in the afore-recited plan, to prevent the extinction of our wild life; and

We accordingly petition Congress, with all the urgency at our command, to enact at once a Federal Law empowering the Secretary of Agriculture to select and designate areas in National Forests suitable for game sanctuaries.

CLINTON M. ODELL, *President.*

Minneapolis, Minnesota,
December 21st, 1915.

INDIVIDUAL ENDORSEMENTS

State and Federal Officers

Wm. A. Campbell, State Senator, Minneapolis
F. L. Palmer, State Senator, Minneapolis
Henry N. Benson, State Senator, St. Peter
H. H. Flowers, Member State Legislature, Cleveland
Thomas Kneeland, Member State Legislature

GENERAL

Anoka:

W. W. Rockwell, Postmaster
J. G. Brooks, Asst. Postmaster
G. J. Grinnigs, Bank Teller
Charles E. Green
J. A. Green
Herbert F. Goodrich, Lawyer
A. G. Aldrich, M.D., Surgeon

Austin:

C. F. Cook, Insurance

Brooten:

S. C. Shipstead, Dentist
P. D. Mitchell, Postmaster

Crookston:

Eric O. Hagen, Lawyer

Duluth:

Wm. F. Hawley, Engineering
W. W. Watson, Jr.
F. H. White, Railroad

Glencoe:

Ed. Churchill, Register of Deeds

Grand Meadow:

R. E. Crane, Farmer

Hutchinson:

Geo. T. Kasson, Real Estate

Jackson:

T. J. Knox, Lawyer

Madison:

O. G. Dale, Banker

Minneapolis:

Julius E. Miner, Attorney-at-Law
E. J. Westlake, Insurance
S. A. Nelson, Real Estate

Norwood:

Geo. J. Bradley, Ex-president,
State Game and Fish Commission

Owatonna:

E. C. Bamboni, Sporting Goods
H. J. Jager, Traveling Inspector

Rushmore:

W. B. Bedford, Banker

Shakopee:

C. W. Daye, Dentist

Warren:

A. N. Eckstrom, County Attorney

Waseca:

J. E. Madden, Real Estate and
Loans

Winona:

Editor of *The Independent*
H. B. Parsons

Windom:

T. A. Perkins, Banker

Worthington:

B. P. St. John, Grain Dealer

TENNESSEE.

EDITORIAL ENDORSEMENTS

The Nashville Tennessean in "the Chamberlain-Hayden Bill."

The country, as a whole, should feel an interest in this matter as a plan for conserving and restoring a resource that has been for some time rapidly vanishing. The people of Tennessee have an exceptional reason for feeling a keen interest in it. Tennessee is the only state east of the Mississippi river included in the bill for game sanctuaries. That was brought about through the activity of a comparatively small number of Tennesseans who have taken an active part in the preliminary work for the measure.

The establishment of game sanctuaries in the Appalachian region of Tennessee would mean a great deal to the state.

But the mere establishment of game sanctuaries on forest reserves is not all that is to be done in the work of bringing about game protection. The educational side of the matter is probably even more important than the legislative side. If the importance of the matter were genuinely and thoroughly understood by all the people, no legislation would be necessary. Certainly, the educational side must be made to supplement the legislative side.

From the Nashville Banner

The main purpose is to keep alive a large stock of game, the annual increase from which will create a permanent food supply.

The rapid extermination of big game in America, for many years in progress, argues the necessity for something of the kind. It is not a matter of sentiment alone, but largely one of practical necessity, or, at least, one that would serve quite a useful purpose.

There doesn't appear to be any rational ground for objection to the Hornaday plan, and much may be said in its favor.

The State of Tennessee already has such a provision in respect to the lands it controls. Section 32 of the state fish and game law makes a provision that lands owned by the State, including the Herbert Domain, the state prison farm and wood lands, the farm and wood lands of the several hospitals for the insane, Soldiers' Home and normal school tracts, shall constitute game sanctuaries after the same manner as the Federal government will be asked to do in respect to its forest reserves.

The Hornaday plan appears to be one that for abundant reasons deserves encouragement. Game sanctuaries of the kind proposed, established in the vast Appalachian reserve, would be of great benefit to this section of the country.

From the Nashville Tennessean

If this plan is put into operation it will result in a permanent game supply for a very large part of the United States. The larger game will naturally overflow the sanctuaries, and spread throughout the surrounding country, constituting an important addition to the available food supply. Just why the Appalachian reserves are not included in the original scope is not clear, nor is it profitable to inquire the reason. The point is that the plan must be amended in such a way as to include the reserve of this region. That done, it will become the duty, and should be the pleasure, of all of us to render such aid as we can to Dr. Hornaday and those who are working with him for the success of the enterprise.

INDIVIDUAL ENDORSEMENTS

State and Federal Officers

Hon. THOMAS C. RYE, Governor
 John K. Shields, U. S. Senator, Knoxville
 J. W. Byrns, Member of Congress, Nashville
 Cordell Hull, Member of Congress, Carthage
 W. C. Houston, Member of Congress, Woodbury
 R. R. Sneed, Secretary of State, Nashville
 Hallum W. Goodloe, Secretary to the Governor
 Frank J. Bath, Secretary to Congressman J. W. Byrns
 Grant Jarvis, Secretary to Congressman Sells
 J. W. McLean, Statistician, Dept. of Agriculture, Nashville
 Roscoe Nunn, Section Director, U. S. Weather Bureau, and Secretary
 Tennessee Academy of Science
 W. D. Fulton, State Game Warden, Nashville
 J. E. Berry, Sec'y, Dept. of Game and Fish, Nashville.
 Samuel C. Williams, Associate Justice, Supreme Court, Johnson City

GENERAL

Chattonooga:

Theo. F. King, Warehouseman
 (Ex-Comptroller of Tennessee)

Greenville:

J. A. Susong, Lawyer
 L. H. Trim, Attorney

Knoxville:

C. H. Gordon, Professor of
 Geology, University of Tennessee
 Z. G. Clevenger, Athletic Director,
 University of Tennessee
 W. L. Wallace, Merchant

Nashville:

Maj. E. B. Stahlman, Pub. Nashville
Banner
 Dickson Merritt, Ed. Nashville
Tennessean
 Marshall Morgan, Washington
 Correspondent *Tennessean*
 and *American*
 Henry W. Lewis, Zoologist
 W. W. Porter, Sportsman
 B. Maddin Phillips, Phillips and
 Buttorff Mfg. Co.
 B. E. McCarthy, President,
 Phillips and Buttorff Mfg. Co.
 Harry Anderson, General Advertising
 Park Marshall, Attorney-at-Law
 Tony Sudekum, President, Crescent
 Amusement Co.

CONCLUSIONS.

The foregoing exhibits of support of the Chamberlain-Hayden Bill speak for themselves, and tell their own story. We have confined our presentation of this question to the people of the national forest states, and to the eastern organizations for wild life protection whose work is national in scope.

This movement is being taken very seriously. Of the fifteen governors closely concerned with this issue, twelve are cordially supporting it, one is opposed to it (on the ground that the states can make and maintain game sanctuaries in national forests better than the nation can do), and two governors are silent. The governors of the most important grazing states, Wyoming, Arizona, New Mexico, and Montana, are our strongest friends. The outpouring of support from Wyoming is most gratifying.

Concerning the character and extent of western support, it is needless to comment. The bare fact that thus far not one opposition letter has been published in any newspaper is of itself a striking testimonial of public approval. Had the western stockmen found this plan not to their liking, some of them would long ago have publicly registered their disapproval.

And yet, it is not to be expected that a proposal as large as this can run its course and achieve success wholly without opposition. It has been our observation that every great reform movement, no matter how great the benefits it is destined to confer, always arouses some opposition. There are a few natures so suspicious that they accept nothing at its face value. For example, there are men who cannot conceive of such a thing as men working hard for the increase of our national defenses purely through patriotic motives, and without any selfish interests to be served. No doubt a few men will now come forward who will pretend to believe that this movement has been started because there are "personal interests" back of it.

But we await the rise of opposition with entire confidence in the ability and the disposition of Congress to judge men and motives. We do not need to remind members of Congress that the friends of wild life always have dealt frankly with the Federal government, and always have kept their promises.

The only opposition that we can imagine is that which might come from over-suspicious cattle and sheep growers

who may be persuaded to believe that our plan does not mean what it says, and that in some manner, at some time, and in some place, the legitimate interests of cattle and sheep might be seriously interfered with. But even from that quarter we expect far more help than opposition. The support that we already have received from stockmen augurs well for the future; and we believe that the stock-growing industry will, in the main, help us to carry the plan into effect. There are a few men in the West who hate the words "game" and "game preserve," but their total number is very small.

The years are slipping by; and the big game is fairly rushing into oblivion. *There is no time to be lost!* The full consummation of this great plan is, in the vivid language of the Old Cattleman, "a long shot, with a limb in the way." Its success means a great amount of hard thinking and hard work, and boundless perseverance. Let no man think for a moment that if this plan is enacted into law the Forest Service will have an easy task, or one which can quickly be brought to the point of "big game for all." Labor, patience, and helpful waiting are just as necessary to success as the forests and the seed stock of big game.

But the End is worth the Effort. Think what it will mean to make big game *permanently* plentiful in one hundred areas that to-day are little better than lifeless, so far as killable game is concerned! Therein lie vast possibilities in real game conservation.

Let us give the Americans of the future a chance to hunt big game and consume the surplus with clear consciences.



PERMANENT WILD LIFE PROTECTION FUND

BULLETIN No. 3

MARCH 23, 1916

BILL TO KILL BREEDING FEMALE DEER*

THE SAME OLD DOE KILLING DEMAND AT ALBANY

IT IS time for the New York legislature to enact a law to prohibit the hunting of senators and assemblymen by Adirondack guides and cheap "sports" who demand the right to kill breeding female deer because some men are not smart enough to kill antlered bucks.

The salient features of the doe-killing proposition embodied in Mr. Kasson's Assembly Bill No. 495 are easily brought into view.

With thousands of buck deer in the Adirondacks, why should any deer hunter come before New York's highest legislative body, year after year, demanding the right to kill *breeding female deer*?

No one need look far to find the correct answer.

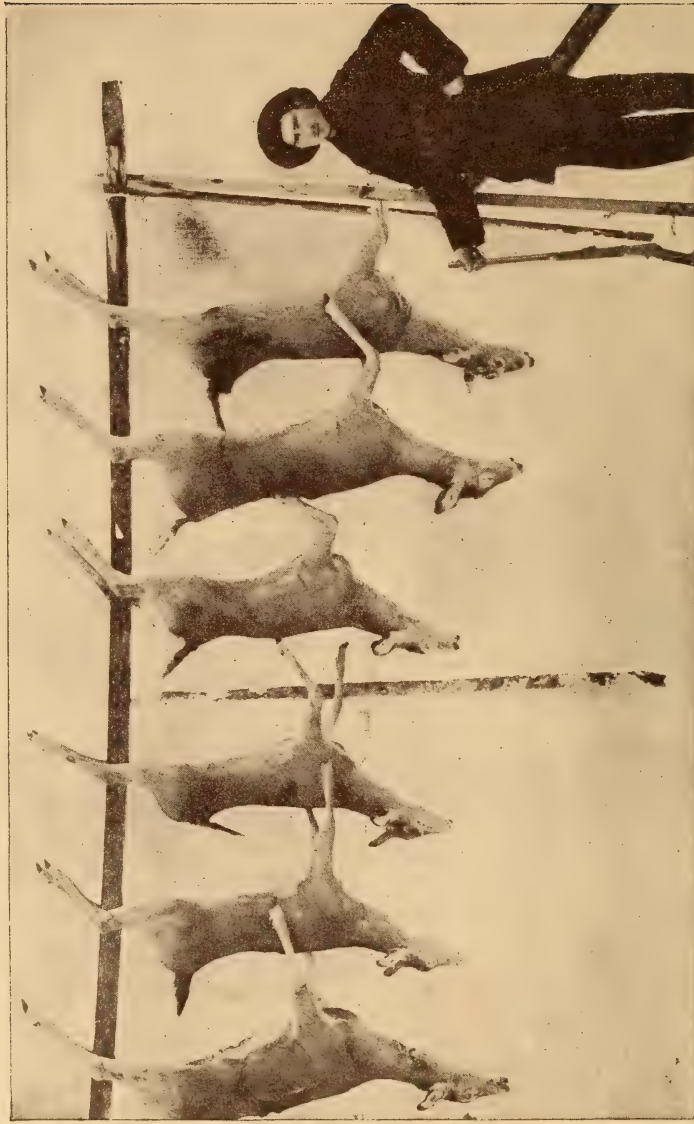
Primarily the privilege of killing female deer is wanted by men who try to be sportsmen, but who are such poor woodsmen and such bungling hunters that they find it too

*Read at a public hearing before the Conservation Committee of the New York Legislature, at Albany, on March 22, 1916.

This is the kind of hunting that some "sportsmen" (?) like!

Gallant men are they who kill *does* and *fawns*!!

This is what it means to repeal the "Buck Law" of New York



DEER HUNTING AS DONE IN 1915, IN A STATE WITHOUT A "BUCK LAW"
Members of the New York legislature, what do you think of this?
Will you disgrace New York State for this sort of "sport"?

laborious to hunt until they find and kill antlered bucks. Since the grown men and the fathers of the Deer Family are too smart for them, they come to the legislature asking for a law that will enable them to take it out of the women of the deer species, particularly *the mothers of the herds!*

It is asserted over and over again, and so far as I know has not been denied, that when a guide's "sport" is so great a bungler and so poor a shot that he can not kill a buck deer for himself, his guide kills one for him. Mr. M. F. Westover, of Schenectady, says in a letter that I have already published with his permission, that "*Four out of five of the deer now shot in the Adirondacks are shot by the guides.*"

This means, also, that the guides now find it too hard work to kill antlered buck deer for their patrons; and therefore the right to kill female deer would make things much easier for them in providing "trophies" for unskillful hunters. I believe this presumption is true, and that it is one of the strong reasons why the men of the Adirondacks are now so remarkably willing to yield their present privilege of killing two bucks for the ignominious right to kill one doe!

Do the senators and assemblymen of the Empire State,—the State that for years has been held up as the model game protecting state,—now desire to abandon New York's high code of ethics in deer hunting? It is my firm belief that they do not.

In sporting ethics, the killing of female sheep, goats and deer is far down in the scale. It is on a par with hounding, killing in the water, jack-lighting and netting. Eighteen self-respecting states have stopped doe shooting by law.

We have heard in our State Capitol the advocates of doe-killing declare openly about as follows: "The buck law is very unpopular with the people. A great many female deer are being killed and left lying in the woods. If the law

is changed, the people will obey it better, and there won't be so many deer killed!"

Now, what must be thought of that as an argument to put up to a lawmaker? In effect that proposition says: "Give us what we demand and John Doe will obey the law; otherwise, he will violate it on the sly."

The doe-killers also say: "The woods are full of dry does. There are not now bucks enough for breeding purposes."

Now that statement is absolutely incorrect; and equally incorrect is the statement (which I heard uttered in a hearing at Albany in 1915) that "deer are monogamous." There is not one word of truth in either! Buck deer, all over the world, are thoroughly polygamous animals. In the Austrian deer forests, and also in deer-breeding operations in this country, the rule is *four does to every buck*! In some American herds the proportion of females is far greater than that, with good results.

The census of wild deer actually seen and counted in the Adirondacks this winter by our state game wardens reveals the fact that today in the Adirondacks there are *not more than two does to every buck*! Here are the figures, down to February 14, 1916:

Bucks seen and recognized	789
Does seen and recognized	1,342
Bucks and does seen, sexes not determined...	2,151
Number of fawns seen	452

I challenge anyone familiar with figures to prove from these statistics that there are even *as many* as two does to one buck. The proportions of does and bucks in the unknown are in all probability not substantially different from the known, where, roughly speaking, it is *one buck to less than two does*!

These figures lay the ghost of the phantom "dry doe," forever! We never believed a word of the "dry-doe" the-

ory, and now we *know* that it is utterly fallacious and absurd! A doe seen in the forest while her fawn is hidden is by no means a barren doe.

We strenuously object to all bills to provide for the killing of female deer in the State of New York, even for one year, and we do so for the following reasons:

- 1.—We object to the repeal of the buck law because it would remove a very important measure of protection from deer-hunters, and again expose them to death by shooting, through being mistaken for deer. The buck law conserves human life, as state records abundantly have proven.
- 2.—We desire to see the fascinating sport of *legitimate* deer hunting perpetuated; and we strongly object to its being exterminated by the killing of breeding female deer.
- 3.—We object to the degrading influence of a deliberate return to an unmanly and reprehensible practice in deer hunting.
- 4.—We object to paying a large force of men to protect our State deer only to see the mothers slaughtered by exterminatory and wholly unsportsmanlike methods.
- 5.—We object to the payment of a legislative premium on poor woodcraft and rotten sportsmanship.
- 6.—We object to seeing the Empire State disgraced and humiliated by the taking of a great step backward, a step which if taken will place New York in the same low class as Connecticut, and which will make the sportsmen of New York objects of public scorn throughout the 18 states that now maintain laws protecting their female deer against all forms of killing, or other molestation.
- 7.—Finally, we object to the slightest consideration being shown by the New York legislature to men

who for selfish and unmanly reasons are, year after year, willing and anxious to secure the repeal of a good law and the enactment of a bad law to the certain disgrace of the State, and without one good reason for the retrogression that they demand.

Is there today one man in the New York legislature who sincerely believes that this State can, for any reason or group of reasons, go back to doe killing, even for one year, without being publicly disgraced by that act?

If the men of the Adirondacks, or the bungling hunters of this State at large, are so lawless that in case they do not now gain their end they will go on killing does and leaving them in the woods to spoil, then on their heads alone will fall the odium for the final extermination of the deer of New York.

Let us not make a bargain with bungling or lawless men in order to induce them to be something different from what they are said to be. If the deer-hunters finally exterminate our deer, then let the last deer die, and the species disappear from our State, before we sully our State reputation and blacken a page of our State history by a disgraceful and indefensible enactment.

The people of this State who believe in manly sport and good ethics in hunting now, as heretofore, rely upon the Senate and the Assembly to *refuse* to send the State back into savagery in the treatment of our deer. Last year some of us did our utmost to prevent the initiative in game legislation from being taken out of the hands of the elected representatives of the people and being placed in the hands of a geographically-selected commission of nine. We said then, and we say now, that for twenty years the members of the various legislatures of this State have so admirably protected the interests of our wild life and of sport that today New York is the foremost game-protecting state of our country. In 1915 we stated that fact in 23 public

addresses from Minneapolis to Denver and Seattle, from Seattle to San Diego, and homeward to Harrisburg.

The following are the roll-of-honor states,—states with a buck law, in which female deer and fawns may not be killed:

Vermont	Oklahoma
New York	Texas
Pennsylvania	New Mexico
West Virginia	Wyoming
Georgia	Arizona
Florida	Washington
Alabama	Oregon
Mississippi	Nevada
Missouri	California

If the people of New York were today given an opportunity to vote on the doe-killing proposition, Mr. Kasson's bill would be buried under a pile of votes as high as the finial on the dome of the Capitol! The enactment of any doe-killing law in this State, at any time, will provoke a storm of disapproval.

The people of New York State will not stand for any reprehensible practices in the taking of any of their wild game,—fish, flesh or fowl. The man who doubts this statement, or ignores it, little understands the present temper of the people of this State as a whole.

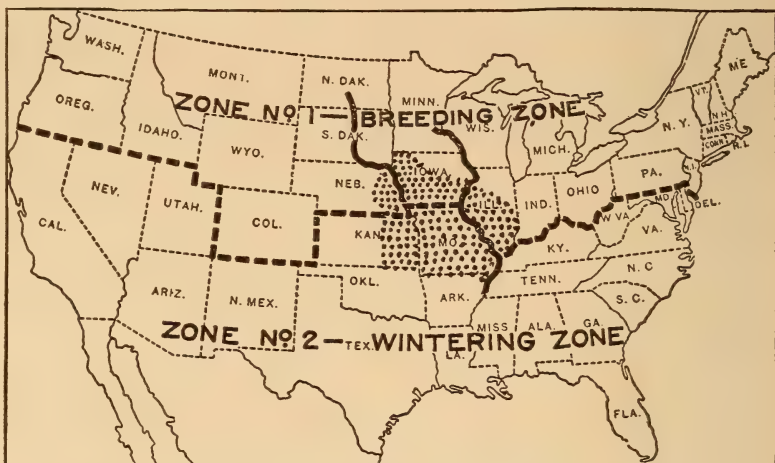
The dynamiting of fish, the killing of birds in spring, the sale of wild game and the killing of female deer are done forever in this State. If the men of the Adirondacks, or from anywhere else, think that by coming to the legislature year after year they will eventually wear out the defenders of wild life, then they are making a serious mistake. As long as the would-be doe killers come here, as long as one mother deer remains alive we will be here to meet them. But I submit that it is time for these unseemly demands to cease, forever; and it is also time for senators and assem-

blymen to refuse to introduce bills for the promotion of indefensible practices.

We call upon the Senate and the Assembly, and the Governor of this State, to stand fast for what the whole world now knows is right, *and uphold a principle that in no way is any longer open to argument.*

WILLIAM T. HORNADAY.

University Heights,
New York, March 15, 1916.



AREA THAT SEEKS TO RULE OR RUIN

The dotted area proposes to have a spring shooting dispensation, or destroy the whole migratory bird law. (Many wild ducks nest and rear their young in Kansas and Missouri!)

Will the Dotted Area Dictate to the Whole United States?

About 2,500 men calling themselves "sportsmen," well financed by selfish interests, now seek to *destroy* the federal migratory bird law because they cannot have a special spring-shooting privilege up to March 31. They seem indifferent to the fate of the insectivorous birds.

FROM MISSOURI'S PETITION TO CONGRESS.

(See *Congressional Record* for April 23, 1916. Page 7799.)

"All other means having been denied us, we earnestly petition that *no further public funds be appropriated* for the enforcement of this migratory bird law, and that our Senators and Representatives oppose it in every form and manner, *even to its repeal.*"

TO OPPOSE THE TREATY.

From the report (*Sportsmen's Review*, February 14, 1914), of the first meeting of the organized Missouri opposition, Kansas City, February 2, 1914:

The Missouri Senators and Representatives in Congress "were also asked to *vote against the treaty with Great Britain*, which if passed will make it impossible for the states to declare the Weeks-McLean law unconstitutional."



PERMANENT WILD LIFE PROTECTION FUND

BULLETIN No. 4

JULY 1, 1916

PUBLISHED FOR THE INFORMATION OF CONGRESS

THE MISSOURI CAMPAIGN BEFORE CONGRESS TO DESTROY THE FEDERAL MIGRATORY BIRD LAW

By
WILLIAM T. HORNADAY,
Campaigning Trustee

NEW YORK ZOOLOGICAL PARK

1916

THE PERMANENT WILD LIFE PROTECTION FUND

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Total Permanent Fund, June 1, 1916, \$103,000.

TRUSTEES.

WILLIAM T. HORNADAY,	<i>Campaigining Trustee.</i>
CLARK WILLIAMS,	{ <i>Banking Trustees.</i>
A. BARTON HEPBURN,	

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THE FEDERAL LAW IS BRINGING BACK THE BIRDS!

There is no question about it. The federal migratory bird law IS bringing back the migratory birds! Beyond all possibility of dispute, this is true, both of the game birds and of the most beautiful and most useful song birds. The very birds most beneficial to the farmer, fruit-grower and forest-owner ARE INCREASING.

Special attention is called to the evidence of the increase of waterfowl now furnished by the Secretary of Agriculture, and published on pages 166 to 171 of this Bulletin. It will be good news to all American and Canadian sportsmen. This advance testimony covers six states only. Thousands of persons now can give similar testimony regarding the increase of song birds.

Very soon Canada will be ready to ratify with us a treaty binding herself to our principle of migratory bird protection, and the stoppage of spring shooting.

Shall all these national and international benefits be destroyed, at one stroke, because a few selfish and shameless duck-hunters of Missouri demand for themselves a few more dead ducks, killed in the breeding season?

The demand is monstrous, and disgusting.

W. T. H.



PERMANENT WILD LIFE PROTECTION FUND

BULLETIN No. 4

JULY 1, 1916

PUBLISHED FOR THE INFORMATION OF CONGRESS

THE CAMPAIGN BEFORE CONGRESS TO DESTROY THE FEDERAL MIGRA- TORY BIRD LAW

A number of sportsmen inhabiting Missouri, southern Illinois, southern Iowa and eastern Kansas and Nebraska are now making an organized effort with Congress to destroy the best bird law ever enacted in any nation. In view of the "petition" (and denunciation) that has been placed in the hands of each member of Congress, and published in the *Congressional Record*, it is now in order to state in precise terms why the petition should be denied, why the item of \$50,000 for the enforcement of the federal migratory bird law should stand, and why the migratory bird treaty with Canada should be ratified by Congress as soon as it is presented.

It is lamentable that there can be found anywhere in the United States even one hundred duck hunters who, because they no longer can kill, each year, as many ducks and geese as they wish, should desire to *destroy* a bird law of enormous potential value to the farmers, fruit growers and forest owners of the United States! But occasionally we do find the desire to kill game so utterly

reckless and so unreasonable that it recognizes no limits save its own greedy ambition.

The federal migratory bird bill became a federal law because it was imperatively needed throughout our land in protecting a stock of insect-eating birds that is now of very great economic value to the country at large. With an annual loss to our crops and forests, from insect pests, aggregating over \$500,000,000, and \$7,000,000 annually lost on sprays and insecticides, it is high time to give all our insect-eating birds every opportunity to live and work.

The federal law was also imperatively needed to protect our migratory geese, ducks, shore-birds and others from the dangers of practical or complete extermination through utterly inadequate state laws, poor law enforcement and outrageous over-killing. Many states had been proven utterly incompetent to protect any portion of their stock of wild life, and some states are in that condition today. These facts are so universally known and conceded, that they are not open to argument. Fortunately they are also so well known throughout both branches of Congress that it is no longer necessary to marshal testimony to prove them.

THE STATES NEED FEDERAL HELP.

The states alone can not protect their wild birds one-half so adequately as can be accomplished by honest and intelligent federal and state co-operation. This is true even of the game birds. For example, the enlightened state legislature of Iowa *never* could be persuaded to enact a *state* law prohibiting the shooting of wild fowl *in spring, during the breeding season*; and only one year ago her organized sportsmen in state convention assembled, at Des Moines, unblushingly voted against making the state laws conform with the regulations of the federal law! Many states have already established that conformity; but not Iowa!

The duck hunters of the western section already named, centering upon Kansas City and St. Louis, complain that in the fall shooting season they can not kill as many ducks as they desire. The reason given is that in the fall the ponds are so low, or so dry, that the ducks will not stop long enough to be shot. For this reason they demand a special dispensation, and a *complete break* in the regulations against spring shooting which for years has been in force throughout *the whole vast region known as "the north!"*

Their contention is precisely the same as mine would be if I should say to the New York legislature: "I can not kill as many Putnam County deer in the fall as I would like to kill; therefore I demand that the legislature enact a law expressly for my benefit, contrary to all ethics and all rules and laws elsewhere, giving *me* the privilege to shoot deer in the spring breeding season." Stripped of all extraneous drapery, that is an absolute parallel of the demand and the "petition" of the Interstate Sportsmen's Protective Association of Kansas City, S. H. Ragan, President; W. L. Moore, Secretary; and of Messrs. Holthaus and Aldous, now in Washington doing their utmost to have the life blood let out of the federal migratory bird law, *by the Senate of the United States!*

We are not alarmed by the efforts of the "Sportsmen's Protective Association" as made in Washington, or elsewhere; but it is always a good thing to supply a few facts, and a little history, whenever an important measure is wantonly and inexcusably attacked. There are in Missouri, Kansas, Iowa and Illinois *vast numbers* of real sportsmen who are *in no way represented by the Kansas City campaign.*

We willingly grant that the Missouri malcontents do not kill during the fall shooting season all the ducks and geese that they want. *The guns of those gentlemen are hard to satisfy!* Herewith we publish for general information a picture which may justly be labeled "The Mis-

souri Idea." It represents two Kansas City sportsmen with legal bags of ducks, and it was taken *in the month of March, 1912, just before* the federal law against spring shooting went into effect. It represents what the members of the Interstate Sportsmen's Association desire to obtain by a special dispensation to be wrung from the Biological Survey by the use of the big stick and the sand-bag.

REASONS AGAINST THE MISSOURI DEMAND

The reasons against the granting of spring shooting (to March 31) to the enemies of the migratory bird law in the south central West are not far to seek, nor are they obscure to the vision. They may be enumerated as follows:

1. The principle of shooting game birds of any kind *during their spring migration for mating and breeding*, is exterminatory, barbarous, and utterly intolerable; and the people of the United States as a body are opposed to it.

2. The contentions of Missouri, that the ducks flying through that State and Kansas do not mate in February and March, and do not nest in Missouri and Kansas, are both absolutely erroneous; and direct evidence proving it to be erroneous is submitted herewith from two unimpeachable eye-witnesses, Dr. George W. Field and Mr. Eugene A. Howe.

3. The spring-shooting idea is now so abhorrent to the people of the United States as a whole that they never again will tolerate it unless the complete destruction of the migratory bird law again makes it possible in a few states that have no sense of shame.

4. The law does not for one moment contemplate that at this late day the sportsmen of *any* locality can secure *all* the shooting, and *all* the game, that greed can desire; and it does not undertake to give "all you want." In America the all-you-want period of game killing has *for-ever* disappeared! Legitimate hunting now remains only as a mere remnant of sport that once was universal and

unlimited. There now are thousands of localities in which there is no hunting, whatsoever; and such areas are on the increase.

5. A spring-shooting season (to March 31) can not be given to Missouri and the adjacent states, even by act of Congress, *without destroying one of the foundation principles of modern game conservation—no spring shooting—*or without creating elsewhere demands for special privileges of the same kind. It is now proven that it can not be given even to March 10, because to do so would mean the destruction of mated birds, on their way to their nesting-grounds, *or actually upon those grounds*. Such an idea is abhorrent.

6. If Missouri, Iowa and Illinois get spring shooting, the duck hunters of Massachusetts, New York, New Jersey, Pennsylvania, Ohio, and other states will quickly demand similar concessions, under penalty of charges of "gross favoritism."

7. The Missouri claimants have failed to state to Congress the well-known fact that their dissatisfaction with their fall killings of wild fowl are based upon *two successive years of extreme drought* (1913 and 1914), such as may not again occur in a long period! In an autumn of ordinary rainfall, the exceptional conditions which gave rise to the present attack are greatly improved, and better bags of ducks are obtainable. Frequently there are ducks along the Missouri River in January and February, for those who are willing to hunt them where they can be found. (See illustration.)

THE WILDFOWL SEASON IN AND AROUND MISSOURI.

In its denunciatory "petition" to Congress, the Missouri enemies of the migratory bird law made this flat assertion:

"Seasons for hunting migratory birds have been so arranged by the Biological Survey officials that hunters residing in the Middle Western States are authorized to hunt migratory game only during such seasons

of the year when the migrants are practically absent, and they prohibit us from hunting them during the seasons when they are present in our locality. * * * In the winter months they [the ducks and geese] are farther south."

I do not propose to waste one word in proving the untruthfulness of that assertion; but I offer a pictorial exhibit that tells its own story. The month of January is one of the open-season months all over the Missouri area. I invite attention to the accompanying illustration showing 515 ducks and geese over the lowlands of the Missouri, near Atchison, Kansas, and only 34 miles north of Kansas City, in the despised month of January, 1914.

Again we quote the language of the "petition" to Congress:

"We have offered positive physical evidence, contained in the dead bodies of ducks, to prove that they [the ducks of Missouri] are *not even approximating the breeding or nesting period in February or March, nor do they at any other season breed in this section of the Nation.*"

In rebuttal we first place on the witness stand a man whose testimony no man will attempt to impeach,—Dr. Geo. W. Field, formerly State Game Commissioner of Massachusetts, and now president of the National Association of Conservation Commissioners. In a letter dated June 5, Dr. Field says:

"Am just in from a field trip, made for the purpose of determining beyond question whether migratory ducks do actually now breed in Kansas. Many people claim that they will not breed so far south.

"It was a hurried trip, made necessarily without adequate preparation and knowledge of the ground. However, even under these conditions, I flushed in seven hours' work two blue-winged teal,—nests contained on June 2, nine and twelve eggs respectively; also flushed a brood of mallards at least two weeks old. I caught one to ascertain age. I also flushed a brood of pin-tails. I caught three of the flappers for the same purpose. I estimated their age as five days. It is not an easy matter to hunt wild ducks' nests in grass, bushes and mud, but I saw enough to satisfy me that a large number of ducks are breeding in this tract, which I estimate from the map contains about 90,000 acres, and in which in the seven hours' search I covered a random path possibly four miles long.

"In addition to these birds which were beyond question breeding, I identified with glasses (but I lost track of the actual number, they were so numerous), at least 100 pairs of shovellers, 50 pairs of pin-tails, 50 pairs of mallards, 75 pairs of blue-winged teal, 20 pairs of Gadwalls, all of which were obviously mated, and from their actions I inferred to have nests or young. In addition I identified one greater scaup male, several



DOES THIS LOOK LIKE "NO SHOOTING IN JANUARY IN MISSOURI?"

The Missouri opponents of the federal migratory bird law have stated many times, in most positive terms, that the months of January and February are "of no value" to the Missouri sportsman. The photograph reproduced above is court testimony on that point. It was taken in January 1914, in the bottom lands of the Missouri River, between six and seven miles from the city of Atchison, Kansas. Under a magnifying glass the photograph shows 515 mallard ducks, pintails and geese.

redheads, numerous green-winged teal, several widgeon and ringbills. I could identify only males. These were in the numerous pond holes, and many were probably cripples, but I saw a large number of green-winged teal flying, though far less numerous than the blue-wing, which, with the shoveller, were the most common resident ducks. It would be a conservative estimate to reckon 1,000 pairs of wild migratory ducks nesting in the entire tract of waste land and marsh.

"To a considerable extent, in my opinion these birds are but the remnant of those which formerly did and would again remain and scatter out to breed along the creeks and smaller marshes in favorable localities where they might be safe from molestation. But, shooting in the spring when they were looking for a breeding place has compelled either movement northward or segregation in inaccessible marshes. That any whatever remain under existing conditions (complete negation of law by those who so wish, and complete apathy on the part of the rest of the population) is remarkable, and is valuable evidence indicative of what would exist if conditions were improved. Incidentally, the working hypothesis occurred to me that the lack of food and water, resulting from the segregation is responsible for much of the mortality among ducks, about which we have heard so much and which first came to attention at Salt Lake."

We now place upon the witness stand a veteran duck-shooter of Atchison, Kansas (40 miles north of Kansas City), Mr. Eugene A. Howe, editor of the *Atchison Globe*, whose testimony none but the most reckless of men will attempt to belittle or impeach. To the people of Missouri *who now are being disgraced by a very few of their citizens*, and to the *St. Louis Globe-Democrat*, I particularly commend *the whole* of the following letter:

IMPORTANT TESTIMONY FROM AN UNIMPEACHABLE WITNESS ON THE MISSOURI BORDER.

THE ATCHISON GLOBE,
Atchison, Kansas.

June 12, 1916.

Dr. W. T. Hornaday,
Director Zoological Gardens,
New York City, New York.

Dear Sir:

As a sportsman and as an ardent duck shooter who has followed the game consistently for the last fifteen years, I wish to register this protest against the proposal to extend the open season in the spring later than March 10. The advisory board has been extremely liberal to the Middle West shooters, and their fight against the appropriation for the enforcement of the law is not indorsed by a majority of the sportsmen in this part of the country.

We read in the St. Louis *GLOBE DEMOCRAT* that Missouri has a good law, and that it protects the game. I live across the river from Missouri. For fifteen years I have hunted nearly every fall and nearly every spring, and I have yet to see a Missouri game warden.

Wild ducks are sold openly in the Kansas City and St. Joe hotels. Young ducks and old ducks are slaughtered all summer long on the Missouri lakes, and if there ever was a joke, it is the system of game protection as practiced from Kansas City to St. Joe in the lakes along the river bottom.

If the United States Senate does not allow that meager appropriation for the enforcement of the Federal law, I am satisfied that in a very few years our waterfowl will be practically exterminated, and our song birds will be greatly lessened in numbers.

Those who desire to shoot all during March insist the birds do not mate early in the spring. This is not true. I have personally observed wild mallards in the act of mating in the first week in February.

W. F. Bancroft, of the Biological Survey, was a visitor in Atchison on March 14 of this spring. He accompanied me on a trip to several of the Missouri lakes in this vicinity, and I showed that 80 per cent. of the wild ducks on those lakes were mated and paired off.

We saw all species of ducks common to this section from the blue-wing teal to red-heads and mallards, and 80 per cent, putting it conservatively, were mated.

I write this letter to let you now that conditions in the Middle West have been grossly misrepresented by selfish shooters, and that a great wrong will be done if the United States Government is not permitted to protect our rapidly vanishing waterfowl. We have good shooting here both in the fall and in February, and the first week in March. A later season than this is unthinkable.

Sincerely yours,

EUGENE A. HOWE,
Editor, Atchison Globe.

One more quotation from the "petition" to Congress:

"We with pride call attention to the fact that our state game laws are the most perfect and restrictive legislation of any of the various states."

And this from Missouri, whose *state* game laws permit spring shooting up to *May* 1,—less than thirty days before the hatching of the young ducks found by Dr. Field in the Kansas marsh! In New York, Pennsylvania, Massachusetts and many other states the above will be read with amusement.

The "petition" attempts to make capital out of the fact that duck-shooting has been forbidden on the Missouri and Mississippi rivers. Truly, it was forbidden; and why? *Be-*

cause the states bordering those rivers permitted the use of motor boats in hunting; that is why. The Biological Survey offers to remove the restriction the moment the states concerned pass laws stopping the pursuit of wildfowl with power boats!

The "petition" claims that "when our wet season arrives, and likewise the waterfowl, we are denied the hunting privilege."

In Missouri, the fall of 1915 was a season of abundant rainfall, and all the ponds were full; but the "petition" suppresses that fact, and joyously proceeds as follows:

"All other means [to secure a special dispensation] having been denied us, we earnestly petition that no further public funds be appropriated for the enforcement of this migratory bird law, and that our Senators and Representatives oppose it in every form, *even to its repeal.*

BIRTH OF THE MISSOURI WAR.

At this juncture it is well for all members of Congress to know certain facts of history that bear directly upon the campaign now being made against the federal bird law.

The Interstate Sportsmen's Protective Association (sender of the so-called "petition" abusing the Biological Survey and demanding the "repeal" of the federal bird law), was born at Arter's Hall in Kansas City, on February 2, 1914, for the avowed purpose of either securing a special dispensation for spring shooting *or of killing both the federal migratory bird law, and the proposed international treaty!* (See *The Sportsmen's Review*, Cincinnati, Ohio., for February 14 and 21.) The organizers declared that their "constitutional rights" had been invaded, because the laws of the state of Missouri generously gave them the right to shoot wild-fowl UNTIL MAY 1!

In Massachusetts, young black ducks, a week old, have been seen in the first week of May! (Forbush).



THE MISSOURI IDEA

Ducks shot in March 1912, by two members of the Interstate Sportsmen's Protective Association, six months before the federal regulation against spring shooting went into effect, and photographed in Kansas City.

In the course of the first two meetings that were held for the organizing of the I. S. P. A. at Kansas City, much talk was indulged in that was distinctly incendiary. For example, Mr. D. G. Phillips, of Moberly, Mo., said that (in defiance of the federal law), "ducks were being shot in his part of the state every day," that "the bolder of the hunters were going ahead and enjoying their sport," and he "advised all duck hunters to go ahead and shoot ducks the same as they have always done." (*Sportsmen's Review*, Feb. 14, 1914, page 149).

"Mr. Rooney, president of a club at Archie, and an attorney at law, said he had been shooting ducks, and was going to continue to shoot them," and "he strongly advised all hunters not to be deterred from their sport, but go ahead and shoot as the state of Missouri licenses them to do. His remarks were just what the crowd wanted."

"Several hunters present announced that they had shot ducks in January, and notified the district attorney that they awaited arrest. The congressmen and senators were asked to work to secure a third zone, to be called the 'passing zone,' which would take in Kansas and Missouri," and by a special dispensation give those states a special privilege all their own.

But the new association did not stop with planning to attack the federal law, and if possible have it declared unconstitutional. As a crowning injury to the interests of the people of this country at large, their senators and representatives in Congress "*were also asked to vote against the treaty with Great Britain, which if passed will make it impossible for the states to declare the Weeks-McLean law unconstitutional.*"

From that original program that association apparently has not swerved an inch. Its motto seems to be: "Rule or ruin!" The association's senatorial champion, Mr. Reed, already has attacked the federal law as bitterly as he could, and has denounced it as "unconstitutional."

PRESENT STATUS AND GENERAL CHARACTER OF
THE OPPOSITION.

Ordinarily it is of little interest to set forth a statement regarding the personnel of any particular group of the enemies of wild life; but this fight calls for full information. When men enter the arena as the champions of an idea or a cause, that moment do they place themselves in the spot-light of publicity, and render themselves subject to thorough scrutiny. Whenever a man seeks to dictate legislation for 100,000,000 people, we have every right in the world to know something about his motives and his character. This universal law of the lime-light is recognized throughout America.

It is highly important that every member of Congress should know the men who are financing, directing and pushing the campaign in Congress to accomplish the following ends:

1. *To secure for themselves an exclusive special exemption from the operation of a universal federal law, or*
2. *To rob the law of its annual enforcement fund;*
3. *To repeal the law, absolutely, and return to the old days of bird slaughter, and also*
4. *To defeat the ratification of the international treaty with Canada for the protection of migratory birds.*

The malcontents of Missouri have heaped upon the migratory bird law and its supporters unlimited contempt and denunciation; and their hostility is implacable. When they were offered (*by wholly mistaken generosity!*) an open season on wildfowl until March 10 they rejected it with scorn, declared that they "will accept nothing less than March 31," and announced the offer as a "victory," with "the Biological Survey on the run." Their so-called "petition" to Congress was really a long denunciation of the law and its supporters.

Now, who are the men, and whence come their funds, for this fight on the best bird law ever put upon any statute book? Let us see.

Mr. Thomas J. Pendergast, of "The Jefferson," Kansas City, is said to be one of the strongest pillars of the opposition, because his influence is both financial and political. Mr. Pendergast is thus reported upon from Kansas City: "Owner of 'The Jefferson,' the most famous saloon in Kansas City; wealthy liquor dealer, owning or controlling a large number of small liquor saloons; the ——— political boss of the gang known as 'The Goats,' who seek control of city and county offices for what there is in it, and who use their opportunities for shooting at the clubs for the distribution of game under the non-sale and the open spring-shooting laws as a strictly political-influence-making proposition." For further particulars, inquire in Kansas City.

Mr. E. F. Swinney, "president of the First National Bank, a millionaire, owner or part owner of several shooting clubs, who wants what he wants, when he wants it, and is willing to go to very considerable lengths to get it." Mr. Swinney is said to be the chief financial backer of the rule-or-ruin campaign, and sullenly declares that he is "going to stay in the fight to the finish." It was he who, in February, 1914, aspired to the honor of being the figurehead in a test case of the migratory law before the U. S. Supreme Court.

Dr. S. H. Ragan, of Kansas City, was in Arter's Hall at the birth of the rule-or-ruin association, and is the president of the Interstate Sportsmen's Protective Association. He it is who is making, from his one office, the campaign for innumerable spontaneous petitions from "sportsmen" with which to swamp Congress and smother the migratory bird law. He is assisted by *W. L. Moore*, secretary.

Mr. E. T. Grether, of St. Louis, is the publicity-man of the opposition. It is reliably reported from St. Louis that "he claims the full credit of initiating, inflating and directing the campaign. He claims that he so controls the press of Missouri that he 'can put his stuff over' and that he can either 'kill' or emasculate all opposition matter." In times past Mr. Grether has done some good work in Missouri for the cause of wild life protection. He was a deputy

game warden under Commissioner Tolleston. In 1914 he aspired to the position of Federal Inspector in Missouri for the enforcement of the migratory bird law; but when Dr. Palmer promoted the appointment of another man, Mr. Grether's embitterment knew no bounds. Ever since 1914 Mr. Grether has been viciously fighting Dr. Palmer in particular and the migratory law in general. Mr. Grether publishes a weekly attack in the Rod-and-Gun department of the *St. Louis Globe Democrat*, and even after steady reading of what he has been publishing during the past year it is difficult to say whether Grether's rage is greatest at Dr. Palmer individually over that inspectorship, or at the migratory law. If Grether had been given that federal job, all would have been well. As the case stands, only those who have witnessed the weekly outpouring of his wrath can appreciate his vigor and his persistence in hounding the migratory bird law.

Mr. A. D. Holthaus, of St. Louis, lobbyist in Washington for the rule-or-ruin coterie, was until recently in the service of the Missouri State Game Commission. He is quite an extremist in his views, and he sincerely believes that the sportsmen of Missouri and bordering states are being deprived of their "rights." Unfortunately for him, he is for his own good too much under the influence of Grether, and too ready to join that gentleman in his guerilla tactics.

Mr. J. H. Aldous, of Alton, Illinois, is the running mate and "me too" of Mr. Holthaus.

The "Club" element.—Linked up with the gentlemen named above are perhaps 30 or 40 so-called "clubs" of "sportsmen," some of them consisting of from 6 to 12 members each. In some of these clubs are men who for several years past have owned or leased certain wet spots, often dry in the autumn, in which they have been accustomed to hunt ducks and geese in both spring and fall. In order to provide more duck-shooting for themselves, and more dead ducks to give away to their friends, these club men contributed about \$1,600 to put through the no-sale-of-game law for Missouri. Their campaign was successful, and

much better shooting was the result. Now it is reliably reported from Kansas City that these very men "*now openly threaten that if not permitted to shoot ducks until March 31 they will turn their influence over to the commission game dealers of St. Louis and Kansas City, and repeal the non-sale law!*"

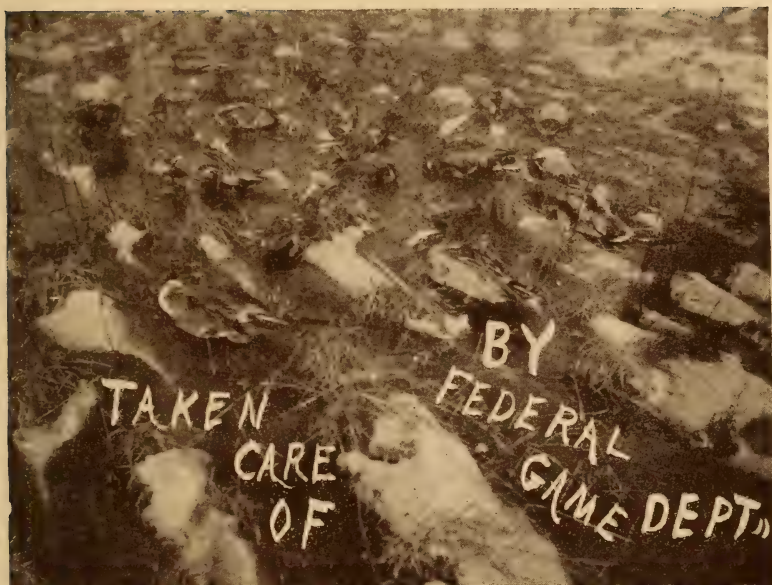
"The banking and liquor interests prominently represented in this opposition to the federal migratory bird law are in a position to use their powerful machines, and far-permeating influence in controlling both state and federal representations, though they studiously remain concealed behind their henchmen, and the barricade of the 'Interstate Sportsmen's Protective Association,' and a few persons whose narrow horizon is the real reason and excuse for their position."

"They seek to exploit spring shooting for purely personal, selfish and temporary advantage, and back up their desires with money, personal work and organized machines." (Kansas City, Mo., June 9, 1916.)

There is much more that might be said regarding the character of the opposition to the migratory bird law. That it is the most vindictive, and the most reckless of general results, of any opposition ever organized in this country for war on a conservation law, is plainly evident. This is thoroughly a Missouri fight to rule or ruin! We have no doubt whatever that if finally Missouri fails to win, in sheer revenge that state will go back to the sale of game.

In the United States Senate, the Missouri agitators are represented, early and late, by Senator James A. Reed, whose attitude toward the birds of our country is well exhibited in the following classic utterance by him in the Senate (1913), when the feather millinery law was under consideration:

"I really honestly want to know why there should be any sympathy or sentiment for a long-legged, long-necked bird that lives in swamps and eats frogs and things of that kind. If the young starve to death, let our kind-hearted friends establish orphan asylums for them, but still let the herons be killed and put to the only use for which the Lord ever intended them, namely, to decorate the bonnets of our beautiful ladies."



ANYTHING TO DISCREDIT THE FEDERAL BIRD LAW

This picture has been circulated, on a postal card, throughout the disaffected area. The dead ducks are obviously a "plant." The manner in which the "federal game department" is answerable for them is a trifle obscure.

RULE OR RUIN

In April and May, 1914, a determined effort was made in the United States Senate, led by Senator Reed, of Kansas City, to strike out of the Agricultural Appropriation Bill the appropriation of \$50,000 passed by the House for the enforcement of the federal migratory bird law. After a prolonged fight, garnished with denunciations of the undersigned by Senator Reed (see *Congressional Record*, for May 23, 1914, pages 9878 to 9882), the appropriation was sustained by a vote of 45 to 16. The following senators voted to protect the life of the law by an appropriation for its enforcement:

DEFENDERS OF THE BIRD LAW.

HENRY F. ASHURST, Arizona	BLAIR LEE, Maryland
JAMES H. BRADY, Idaho	HARRY LANE, Oregon
FRANK B. BRANDEGEE, Connecticut	PORTER J. McCUMBER, N. Dakota
JOSEPH L. BRISTOW, Kansas	GEORGE P. McLEAN, Connecticut
EDWIN C. BURLEIGH, Maine	JAMES E. MARTINE, New Jersey
THOMAS E. BURTON, Ohio	GEORGE W. NORRIS, Nebraska
GEORGE E. CHAMBERLAIN, Oregon	GEORGE T. OLIVER, Pennsylvania
MOSES E. CLAPP, Minnesota	ROBERT L. OWEN, Oklahoma
CLARENCE D. CLARK, Wyoming	CARROLL, S. PAGE, Vermont
LEBARON B. COLT, Rhode Island	GEORGE C. PERKINS, California
ALBERT B. CUMMINS, Vermont	MILES POINDEXTER, Washington
WILLIAM P. DILLINGHAM, Vermont	MORRIS SHEPPARD, Texas
HENRY A. DUPONT, Delaware	LAWRENCE Y. SHERMAN, Illinois
JACOB H. GALLINGER, N. H.	BENJAMIN F. SHIVELY, Indiana
ASLE J. GRONNA, North Dakota	MARCUS A. SMITH, Arizona
GILBERT M. HITCHCOCK, Nebraska	REED SMOOT, Utah
HENRY F. HOLLIS, New Hampshire	THOMAS STERLING, South Dakota
WILLIAM HUGHES, New Jersey	WILLIAM H. THOMPSON, Kansas
CHARLES F. JOHNSON, Maine	JOHN R. THORNTON, Louisiana
WESLEY L. JONES, Washington	CHARLES E. TOWNSEND, Michigan
WILLIAM S. KENYON, Iowa	JOHN W. WEEKS, Massachusetts
ROBERT M. LAFOLLETTE, Wisconsin	JOHN S. WILLIAMS, Mississippi
	JOHN D. WORKS, California

THE PRESENT STATUS OF THE MIGRATORY BIRD LAW

About six months ago, pessimism regarding the constitutionality of this law reached its lowest ebb. Even some of the friends of the law hedged by predicting its overthrow by the Supreme Court; and by some the chances against it were estimated as high as 4 to 1.

Evidence of an even division of the eight members of the Supreme Court, in the form of notice of a rehearing of the case, caused much surprise. It appeared that the unconstitutional features were not nearly so conspicuous, nor so overwhelming, as the wise ones had believed, *and announced as facts!* The whole complexion of federal bird protection instantly changed. Now it is realized that the law has *more* than an even chance for continued existence; and we hold to our former estimate of 2 to 1 in its favor. The new aspect seems to be well recognized, everywhere, and some of the men who joyously violated

the law on a speculative basis now are said to be more than anxious to "settle!"

The chances are that the Supreme Court will decide in favor of the law, because *the logic of the law points that way!* It is impossible for one who has read the five briefs now before the Court to think otherwise. The law that *the game of a nation belongs to the king* dates back to about the year 400 B. C., as does its twin principle that when the sovereign does not choose to exercise his full right to the *ferae naturae*, it may *ad interim* be administered by states and provinces.

The chances are that a decision will be rendered by the Court within a short time after the appropriations of this Congress become available for use. If the decision supports the law, it will at once become imperatively necessary that further measures shall be taken for its enforcement, and that the numerous cases of violation now in hand shall be prosecuted to the utmost.

The logic of the law imperatively demands that every federal statute shall be enforced right up to the point of its repeal or overthrow. To this rule the federal migratory bird law can not be regarded as a solitary exception.

Even with the co-operation of the states, the sum of \$50,000 for the annual maintenance of law represents *an imperative necessity, and an irreducible minimum*. In spite of all handicaps and weaknesses, already the law has accomplished a stoppage of bird destruction and a great increase in our bird life, game and not game. Attention is particularly called to the array of testimony at the end of this BULLETIN, reproduced from the letter files of the Biological Survey, of the Department of Agriculture.

WEAKNESS OF THE LAW.

Unfortunately for the country at large, circumstances quite beyond our control provided for the migratory bird law numerous and serious handicaps. Law-abiding and conscientious citizens the country over have cheerfully ac-

cepted and observed both the letter and the spirit of the law, as making for the good of all. To the vast majority the law is sufficient as it stands.

For another element, however, the law is not, and never has been, strong enough. In certain respects its machinery is weak, and its enforcement against determined opposition has been very difficult. In the disaffected area of Missouri and adjacent states, a few unprincipled persons have taken all possible advantage of the weakness of the law. The Grethers, the Holthauses and others like them have continually held up the law to public contempt, and continually harped upon the results of the weaknesses of the act. The men who have done their level best to uphold the law and preserve its benefits pending a strengthening of the act, have been criticized, ridiculed and sneered at, by Grether and others, to the limits of available newspaper space.

It is high time for Congress to remedy the defects in the migratory bird law, and make the act so strong that no spring-shooter ever again will dare to try to bring it into contempt.

ATTACKS ON THE ADMINISTRATION OF THE LAW AND THE BIOLOGICAL SURVEY

The so-called "petition" from Kansas City to Congress is chiefly an attack on the Department of Agriculture and the Biological Survey, because the demands of a few Missouri duck-shooters have not been met, *and because impossible things have not been accomplished in the punishment of violators of the law.* The work of the Biological Survey stands on far too firm a foundation of principle and achievement to need at this time any defense from me. *The men who really protect our wild life, on a grand scale, and get results, always make numerous enemies, and frequently are assailed—sometimes even in the Senate of the United States! That is to be counted as "all in the day's work!"* The "good fellows" are the men who permit the killers of wild life to do exactly as they please.

A western correspondent has placed in my hands a copy of a letter recently written to the Secretary of Agriculture, concerning attacks on the Biological Survey. Believing that its publication here will be to the public interest, I reproduce it, with the consent of the Secretary. I believe that its pungent logic will appeal to every member of Congress.

BIOLOGICAL LABORATORY
WESTERN RESERVE UNIVERSITY
ALBERT COLLEGE
Cleveland, Ohio

May 10, 1916.

*The Hon. D. F. Houston,
Department of Agriculture,
Washington, D. C.*

Dear Sir:

My attention has just been called to a petition addressed to members of the Senate and House of Representatives at Washington, in criticism of the acts and methods of the Biological Survey and certain of its officers, at the same time calling for interference with Federal appropriations to that body, in case the petitioners' demands are not granted. It is signed by members of the Interstate Sportsmen's Protective Association.

As a biologist, who has known the work of the survey from the time of its inception and is personally acquainted with most of its officers, permit me to express the hope that in this and all similar questions you will give the Survey your unflinching support, and that you will not permit any number of interested individuals to influence your judgment.

The Biological Survey is the judicial body which should decide all such questions as that herein raised,—that of the open season for migratory water-fowl in a particular section; the Survey is, and should be, the court of final appeal, and to its impartial judgment the people of every state should submit. Its facilities for learning all the pertinent facts, on which a just judgment only can be based, are an hundred-fold greater than those of any other body of men.

If, on the other hand, the head of the Survey or any of its officers are considered by the Department of Agriculture for any good reason to be incompetent, let such charges be made, and let the accused have an opportunity to speak; but while there is a Biological Survey I trust that it will be supported without fear, favor or partisanship. The present Survey has a splendid record for civic usefulness and efficiency, and I believe that today it possesses the complete confidence of the biologists and other scientific men of the nation.

Very respectfully yours,

FRANCIS H. HERRICK

SHALL FIVE STATES DICTATE TO FORTY-THREE?

Thus far no one has taken the trouble to canvass the states of Illinois, Iowa, Nebraska and Kansas to ascertain the real position of the majority of the people of those states toward the migratory bird law. We do not for one moment believe or admit that any great number, much less a majority, of the sportsmen of those states favor the Missouri policy of rule-or-ruin. But even were we to admit that the majority in each of the five states named is committed to the support of a bad cause, is Congress going to agree that five states shall rule forty-three states? That it may be seen that the opposition to Missouri's demand is not wholly confined to "the East," nor to the Department of Agriculture, we offer here the text of a letter written May 24 by the officers of the New Mexico Game Protective Association, representing nine local associations, with a total membership of over 1,000, to the *Sportsmen's Review*, and published therein on June 10, 1916. It requires no comment from me.

THE VOICE OF THE SPORTSMEN OF NEW MEXICO.

Albuquerque, New Mexico,
May 24, 1916.

Mr. Fred E. Pond, Editor,
Sportsmen's Review,
15-27 W. 6th St.,
Cincinnati, Ohio.

Dear Sir:

We sportsmen out here in New Mexico have been watching with keenest interest the Missouri fight against the federal migratory bird law. Possibly our position as bystanders invests our opinion with some modicum of neutrality. At any rate we have, as American sportsmen, a perfectly good claim to representation in fixing the terms of the "Treaty of Peace." It may therefore interest your readers to know what New Mexico thinks.

Stated briefly, we understand the arguments of the Missouri Fish and Game League to be about as follows:

1.—It is not every year that Missouri has any water in the fall; therefore, it is not every year that the fall season affords any considerable amount of shooting. Assuming without argument that all other states have shooting throughout the whole length of the federal season, Missouri, it is claimed, is in justice entitled to an extra month in the "late winter," viz., until March 31.

2.—It is claimed that, among other pernicious effects of the present law, the sale of licenses has fallen off, thus crippling the state game warden's fund and the enforcement of the state game laws.

3.—It is claimed that Missouri is entitled to the desired concession by reason of having, of her own accord, stopped the sale of game, and performed sundry other virtuous acts.

4.—Last and foremost, the migratory bird law is "unconstitutional."

It seems incredible, and hardly complimentary to the American sportsman's sense of humor, that the Missouri Fish and Game League should expect the rest of the country to take all these arguments seriously. We beg leave to speak our mind on each one separately.

First, as to the periodical scarcity of fall water and fall shooting. This is a fact, and we readily admit it. But does the Missouri League imagine that their state has a monopoly on fall drouths? Surely they know better. It is common knowledge that in all except the seacoast and lake regions, fall shooting depends on fall water, and fall water does not always occur. This is the case not only in Missouri, but in practically all the central and western interior states. And if Missouri has no monopoly on this condition, why are they entitled to special concessions by reason thereof?

Now, most of the undersigned happen to hail from the Central West, and we shot ducks there for years. We appreciate, and freely acknowledge, that cornbelt shooting is affected *oftener* by fall drouths than elsewhere. We should, therefore, have acceded to the Biological Survey's concession of March 10 as just to all, and without claiming a like privilege for New Mexico. But this concession, as your readers know, was contemptuously rejected by our Missouri brethren. They want March 31 or nothing. "Late winter" shooting, by the way, seems a delightfully humorous euphemism for March 31. It seems to us that "spring shooting" would be at once more frank and more accurate. And any concession of "spring shooting" we, for one, will fight to the last ditch.

Secondly, consider the very interesting argument that the stoppage of spring shooting has crippled the state game fund, and is making it impossible to protect the quail and other non-migratory game. We venture the statement that no four men in the United States regard the Bob-White with greater affection, or think of him with more pleasure, than we, the undersigned. Long may he live in the land! But are we to sacrifice our equally precious wild fowl to pay for his protection? That would be like a factory owner, who finds that he has been paying his night watchman out of his capital account instead of out of his income. Granted he needs the night watchman, and needs him badly. But should he burn up half of his factory, and collect the insurance, that he might pay him? Or, to use a more homely simile, a cattleman, trying to build up his herd, finds he has been paying his cowpuncher by selling heifers. He needs that cowpuncher. But should he sell off the rest of his heifers to pay him? Must we, brother sportsmen, cut off our right thumb, and charge admission to the spectacle, to buy a glove for our left one? Hardly!

Thirdly, the Missouri League contend for March 31, and in the name of game conservation, because forsooth, they have stopped the sale of game. Far be it from us to mini-

mize the importance of stopping the sale of game. We heartily and sincerely congratulate the Missouri League for so doing, and we know full well that bucking the St. Louis and Kansas City markets was an uphill job not lightly accomplished. But we fail to understand why this entitled Missouri to shoot ducks until March 31. *Because open markets are a public shame and disgrace, are closed markets a virtue deserving of special reward? We submit that they are not.* Every decent state in the Union has closed its markets; and decency, not concessions, is their reward. Nowadays, closed markets are a necessity that is absolutely obvious; and to achieve them is accordingly a virtue that is taken for granted. "THOU SHALT NOT SELL GAME" has become the American Sportsman's ELEVENTH COMMANDMENT, for the observance of which he claims no reward. Why should Missouri?

Fourth, and lastly, we have with us that 42-centimeter bomb of opprobrium, that mighty projectile of misunderstanding,—“unconstitutionality.” Shade of Alexander Hamilton, what ducks are killed in thy name! Brother sportsmen, we are not lawyers, but we thought that every American citizen knew that no statute is “unconstitutional” until declared so by the Supreme Court, and that legality has nothing to do with merit. The constitutionality of this law has nothing to do with the question of whether it is right, or just, or needed. To mix the two questions is throwing dust into the eyes of the public.

In working to achieve their ends, the Missouri League first tried to prevail on the Biological Survey to change the regulations. The Survey was accused of unwillingness to sit down on a log and thresh it out. Nevertheless, the Survey came out and sat right on the Missouri log, and evidenced the utmost willingness to “thresh.” Said the Survey: “Let’s talk about March 10.” Whereupon the Missouri League jumped up. “March 31, or nothing!” they said. Whereupon the discussion ended.

Next came a vigorous attack in Congress, inspired by the Missouri League, and seeking to kill the whole law by cutting off the appropriation! We do not question the right of Missouri to attack the particular regulation on ducks, but we question the fairness of attacking and *seeking to destroy the whole law, including its protection to song-birds and other non-game birds, which after all are just as important as the game, and in crying need of federal protection.* Even were the duck regulation wholly wrong, which we emphatically contradict, we submit that American sportsmen should stand willing to forego their shooting as long as necessary rather than endanger our song-birds, the safeguard of our agriculture and the delight of our children and the public as a whole.

Here in New Mexico our Game Protective Association now covers the whole state, and our members are absolutely unanimous in favor of the migratory bird law. It has greatly increased our ducks. It has lengthened our season by causing the ducks to nest here, thus giving us native birds on the opening day in fall. It has delivered the goods. We desire to see justice done Missouri, but any reversion to spring shooting, or any move dangerous to song-birds, we shall oppose to the last cent in our treasury and the last ounce of energy at our command.

Very respectfully,

NEW MEXICO GAME PROTECTIVE ASSOCIATION,

MILES W. BURFORD, *President.*

ROBERT E. DIETZ, *Secretary.*

DELBERT M. JACKSON.

ALDO LEOPOLD.

CONCLUSION

In conclusion, the defenders of wild life who are represented by the Permanent Wild Life Protection Fund respectfully ask the defenders of wild life in Congress to

sustain the appropriation for \$50,000 in the Agricultural Bill for the enforcement of the migratory bird law, and deny the petition and the recommendations for "repeal" as put forth by the Interstate Sportsmen's Protective Association of Missouri. To this we also join the request that whenever an international treaty has been successfully negotiated with Canada for the protection of migratory birds, that that treaty shall be ratified by Congress without delay.

Respectfully submitted,

WILLIAM T. HORNADAY,
Campaigning Trustee,
P. W. L. P. F.

New York, June 20, 1916.

INCREASE OF GAME BIRDS THROUGHOUT THE
MIDDLE WEST THROUGH THE FEDERAL
MIGRATORY BIRD LAW.

IMPORTANT INFORMATION FROM THE UNITED STATES
DEPARTMENT OF AGRICULTURE.

Despite all present handicaps on the forcible enforcement of the migratory bird law, the cordial acceptance of the law by perhaps *two million conscientious sportsmen*, and the deterrent influence of the ominous words "federal courts" upon many would-be law-breakers, already has produced great results in bringing back the game. The increase of game from the stoppage of spring shooting has been phenomenal. We hope that in a short time the Department of Agriculture will issue a special bulletin covering this very important subject.

Meanwhile, the Secretary of Agriculture has kindly supplied us with some information covering the area of the Middle West, where the problem is especially difficult. It will be of the utmost interest to every person who is in any manner following the effort that is now being made, and undoubtedly will continue to be made, by about 2,000 duck hunters of Missouri and adjacent states (except Arkansas), to destroy the federal law, and later on to prevent the ratification of the international treaty with Canada.

W. T. H.

DEPARTMENT OF AGRICULTURE
WASHINGTON

June 16, 1916.

Dr. W. T. Hornaday,
New York Zoological Park,
New York City.

Dear Sir:

In response to your request of June 12 for statistics bearing on the increase of migratory birds since the enactment of the Migratory Bird Law, the following is submitted for your information:

COLORADO.—From letter of Dr. R. W. Hoyt, Denver, October 13, 1914, "The results of the past year are remarkable as the birds have increased and more birds have nested in Colorado than any time during the past ten years."

INDIANA.—From letter of J. H. Randall, October 21, 1914, Monticello, "The song birds have more than doubled for the reason that there has been no shooting."

ILLINOIS.—From letter of B. G. Merrill, from Wolfe Lake, October 30, 1914, "Mr. Earle also spoke of seeing a large flock of snow geese pass over his place today, stating that it has been twenty-five years or more since he had seen as large a flock of these birds."

ILLINOIS.—Mr. C. K. Knickerbocker, Chicago, in letter dated April 18, 1916, says, "From the year 1912 to date there has been more birds in the region of the Illinois River than ever before, and this not by any small margin, but a very perceptible increase over years before this time."

ILLINOIS.—Mr. Henry C. Allen, Havana, in letter dated July 21, 1915, said, "Down around Grand Island, Crane Lake, and several places where they are protected the ducks nested. So it goes to show that the wild ducks will breed here when they have protection."

ILLINOIS.—Mr. Finley Barrell, Banker and Broker, Chicago, in a letter dated February 10, 1916, said, "It is my opinion that there has been a large increase in waterfowl over previous seasons on account of the Migratory Bird Law, and I believe it is a most excellent law if it will be properly enforced."

ILLINOIS.—Major Bluford Wilson, President, Grand Island Lodge, Springfield, said in letter dated February 10, 1916, "More ducks this fall than for many years. No trouble to get the limit."

ILLINOIS.—Mr. Stewart Logan, Board of Trade, Chicago, said February 10, 1916, "I beg to say that I am of the opinion that during the short time this law has been in force I have noted in several sections during the migratory season a considerable increase in the number of waterfowl."

ILLINOIS.—Mr. Charles Eaton, in the "American Field, May 23, 1914, said, "When down some hundred miles from Chicago, a few days ago, I saw more wild ducks and mud hens on a lake than I ever have seen at any other time or place in this latitude. There were thousands of ducks, and

I believe over 1,000,000 mud hens. Ducks are nesting right here in Illinois and Indiana. * * * I think that this improvement in local conditions is due to the Federal law for the protection of migratory birds."

MISSOURI.—From letter of E. C. Higgins, January 3, 1915, Salem, "I have interviewed a number of sportsmen and business men of Charleston and every one of them to a man has given information that more geese were seen and killed near Charleston than ever was known in the history of the place. This was in the month of November, 1914. In some wheat fields they lit in bunches of at least a thousand."

NEBRASKA.—From letter of T. Hayman, Grand Island, January 16, 1915, "The duck hunting this fall was the very best we have ever had, and I have talked the Federal law over with a great many of our hunters in this town and they are all of the same opinion, that spring shooting should be discontinued and the Federal law upheld."

NEBRASKA.—Lincoln, a letter dated June 9, 1916, from the Chief Deputy, Game and Fish Warden of Nebraska, says, "We have more waterfowl all over the State as well as in the city of Lincoln at the present time than we have ever had to my knowledge. The number of waterfowl in this State at the present time, as compared with the number during the period preceding the enactment of the Federal law is from 50 to 75 per cent greater."

NEBRASKA.—Mr. William Francke, Valentine, December 15, 1915, said, "There was more ducks in Cherry County than there has been for the last fifteen years. More teal, more mallards, bred here than for years."

NEBRASKA.—Mr. M. O. Worrall, Federal game warden, Wahoo, Nebraska, August 23, 1915, reported, "At the approach of the open season there are more ducks and geese than ever at this season of the year, and the sportsmen are well satisfied with the Federal law."

NEBRASKA.—Mr. George L. Carter, Lincoln, December 23, 1915, said, "The season as pertaining to wild fowl just closed has been very satisfactory in Nebraska."

NEBRASKA.—Mr. J. H. McPharlin, O'Neill, on December 20, 1915, reported, "I have been in Holt County fifteen years, and there were more ducks here this year than I have ever seen before. The first of September, I was out

in the southwest part of the county for a week, and every little pond and lake, there were from one to twenty coveys of ducks, I think there were more ducks raised in Holt County this year than any year since I have been here. Every hunter I talked to this year reported lots of ducks."

NEBRASKA.—Mr. John F. Sides, Dakota City, in a letter dated December 20, 1915, said, "I have made careful inquiry from many true sportsmen. They each and every one say the shooting has been the best this fall they have had for years and there was plenty of mallards here last week."

NEBRASKA.—Mr. E. Beckwith, Neligh, in a letter dated January 15, 1916, said, "Have no room for doubting the unanimous report that shooting was altogether better than for years previous."

NEBRASKA.—Mr. J. E. Smatlan, Schuyler, in a letter dated December 29, 1915, said, "The flight of geese was the best seen for a good many years."

NEBRASKA.—Mr. G. V. Golden, Ewing, in a letter dated December 10, 1915, said, "There were more ducks and fat-ter ducks than I have ever seen prior to this year."

KANSAS.—Mr. Walter D. Scott, of Syracuse, December 10, 1915, said, "The duck shooting was good. There are lots of ducks on the river now."

KANSAS.—Mr. C. A. Martin, Winfield, December 10, 1915, said, "There have been more ducks than for some years past."

KANSAS.—Mr. C. G. Austin, Sylvia, February 22, 1915, said, "There are certainly lots of ducks. More than has been for several springs."

KANSAS.—Mr. E. R. Munsey, Wathena, December 12, 1915, said, "In all my hunting I have not seen so many ducks, especially mallards. There is a third more ducks than there was three years ago."

KANSAS.—Mr. P. J. Pankratz, Stafford, December 9, 1915, said, "We have killed at least three times as many ducks this fall than any fall for at least six years."

KANSAS.—Mr. D. Harrison, Wichita, December 20, 1915, said, "We had an unusually good early season this year. The bluewing shooting was the best I ever experienced. Killed twice as many ducks of all kinds than we killed last

year on the Missouri River. There was an enormous flight of sprigs, mallards, spoon bills, greenwings, bluewings, blue gills (large and small), red heads, gadwalls and a fair flight of canvasbacks."

IOWA.—Mr. G. E. Poyneer, in the "American Field," May 16, 1914, said, "The great good coming from the migratory bird law is showing itself at every hand throughout this State. Almost every little pond has pairs of ducks in them, and unquestionably they will nest and raise their broods here."

IOWA.—Jim Jones in *Sportsmen's Review*, May 16, 1914, said, "The Federal bird law is what we want. Never in years have so many wild fowl come up the Mississippi as this year, and there are many thousands of the birds here with us today. * * * The river in front of our city swarmed with ducks for a whole month."

IOWA.—Mr. Charles P. Chase, Clinton, Iowa, October 9, 1915, reported to Mr. Harry Barmeier, District Inspector, Migratory Bird Law, "At least one thousand young ducks hatched during the last season in the vicinity of Menidocia River bottoms. About two hundred of these were wood ducks and the balance teal and mallard."

MARYLAND.—*Washington Times* (from Baltimore correspondent), March 23, 1915, "Fifty thousand canvas-back ducks, five thousand or more whistling swan, many thousands of Canadian geese and big ricks of black ducks, blackheads, and some few redheads in Chesapeake flats. * * * Such a quantity of wild wings had not been seen on the flats this late in the spring for many years. It was conclusive evidence as to the excellence of the new Federal migratory law that prohibits spring shooting of ducks on the flats." *Baltimore News*, March 22, 1915, "That the framers of the Weeks-McLean migratory law have reason to feel that their dictum of no spring ducks on the Chesapeake flats has been vindicated was shown by the semi-official inspection trip made by a party of sportsmen last Saturday afternoon. Old gunners who can remember when the 'flats' were the most famous on the Atlantic seaboard declare that after several seasons of the 'no-spring shooting' law there will be ducks enough for all and plenty left for seed. * * * Sixty thousand birds in the air. Such a sight in the spring of the year had not been seen on the 'flats' in many a year."

MONTANA.—A letter dated June 1, 1916, from the Chairman of the State Game and Fish Commission, says, "Since the Migratory Bird Law has been in effect there is a wonderful increase in the number of ducks hatching in this State, and in the number of the fall flight from the North. * * * As the usual thing up until two years ago, two days' shooting at any one blind would clean out the ducks for at least a week. Last year hunters shot every day at these same blinds for a week and had no difficulty in securing the limit bag each day. * * * The word 'disappearing' as applied to ducks in this State is incorrect, since the Federal Migratory Bird Law has been in force."

Very truly yours,

D. F. HOUSTON,
Secretary.



Your Grandfather hunted elk and buffalo,
until there were none.

Your father hunted antelope and mountain sheep,
until there were none.

You are hunting deer. There still are some.

WHAT DO YOU WANT YOUR SON TO HUNT?
RABBITS?

*Join the Game Protective Associations
Help bring back the game*

IN THE INTEREST OF THE BOY

A timely warning from the New Mexico Game Protective Associations.

Shall this fine bird follow the Passenger Pigeon into Oblivion?



THE SAGE GROUSE, OR COCK-OF-THE-PLAINS

Certain to be exterminated quickly, unless protected by long closed seasons.



PERMANENT WILD LIFE PROTECTION FUND

BULLETIN No. 5

DECEMBER 1, 1916

ADDRESSED TO THE STATES WEST OF THE MISSISSIPPI RIVER

SAVE THE SAGE GROUSE FROM EXTINCTION

A DEMAND FROM CIVILIZATION TO THE
WESTERN STATES

By
WILLIAM T. HORNADAY,
Campaigning Trustee

NEW YORK ZOOLOGICAL PARK

1916

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*Dedicated to the Fathers of Boys in the States still inhabited
by Grouse, Quail and Deer.*

ROBBED.*

(A Western Father presents his twelve-year-old Son with
a new Gun.)

Oh, where is the game, daddy? Where is the game
That you hunted when you were a boy?
You've told me a lot of the game that you shot;
No wonder such sport gave you joy.
I'm old enough now to handle a gun;
Let me be a sportsman, too.
I'd like my fair share of clean out-door fun,
And I want to shoot, just like you.

But where are the birds, daddy? Where are the birds?
I can't put them up anywhere!
You had your good sport with the wild flocks and herds,
And surely you saved me my share.
And where is the big game that roamed around here
When grandfather came here with you?
I don't see one antelope, bison or deer.
Didn't grandfather save me a few?

Why don't you speak up, dad, and show me some game?
Now, why do you look far away?
Your face is all red, with what looks like shame!
Is there nothing at all you can say?
What! "The game is all gone?" There is "no hunting now?"
No game birds to shoot or to see?
Then take back your gun; I'll go back to the plow;
But, oh! daddy, how could you rob me!

—W. T. H.

*Read at the organization convention of the Minnesota
Game Protective League, Clinton M. Odell, President; Min-
neapolis, August 27, 1915.



PERMANENT WILD LIFE PROTECTION FUND

BULLETIN No. 5

DECEMBER 1, 1916

ADDRESSED TO THE STATES WEST OF THE MISSISSIPPI RIVER

SAVE THE SAGE GROUSE FROM EXTINCTION A DEMAND FROM CIVILIZATION TO THE WESTERN STATES

THIS is a call to the people of the Far West, to save the sage grouse and other grouse, and quail, from complete annihilation. The fate of these species is in the hands of the men who will shape the legislation of the western states during January and February, 1917. The case of the sage grouse is brought forward most prominently, because it is the most conspicuous of the candidates for Oblivion.

Do the people of the Rocky Mountain and Pacific States wish to see their largest and finest upland game birds follow the bison, the passenger pigeon, and the heath hen into oblivion? If they do not, they must act quickly and resolutely; for the hour of disappearance now is mighty close at hand.

We have no doubt that in each one of the eleven sage-grouse states there are men who will say: "There are plenty of sage grouse yet. There is no need for long close seasons. The idea is nonsensical; and the man who advocates it is a crank!"

To that we answer: Beware! Do not be fatally deceived, as so many other Americans have been in the past.

In 1884 the buffalo hunters of the northern plains believed, and said, that there would "always be plenty of buffalo." In the winter of 1885 they went out as usual, to hunt for hides. *But there were no buffalo!*

Presently they said: "They have gone north. They must and will come back. We will wait for them."

For months they loafed around their camp-fires, and waited. But the herds never came back. They had been *exterminated*—so suddenly and so completely that even the hide-hunters themselves did not realize it, and would not believe it *until two years had elapsed!*

The passenger pigeon millions went the same way, by commercial slaughter, so quickly that *no one realized what was happening until it was all over!* For ten years the American people refused to believe that all those millions of birds had gone forever; but now they know that it is true.

The heath hen, or eastern prairie chicken, formerly of New York, New Jersey, Pennsylvania, Connecticut and Massachusetts, went not quite so rapidly, but it went just the same. The 5 and 10-year close seasons which were given it came so tardily that they were too late! *The decimated birds could not recuperate.* About fifty years ago that species became totally extinct, everywhere save on the island of Martha's Vineyard, where Dr. George W. Field and the Massachusetts State Game Commission by dint of fostering care saved it from final annihilation.

Let every western hunter of sage grouse, sharp-tail and pinnated grouse remember the fate of the heath hen, and take to heart the moral of that tragic story. If it is a crime (grand larceny) to steal \$21, what shall we say of those who rob a state or a nation of a valuable bird or mammal species which no human power ever can replace?

THE CRITICAL HOUR.

One year ago we made in person, throughout the sage grouse states, a special demand for the saving of the "Cock-of-the-Plains"; and this is the last call.

We are issuing this final warning as a matter of duty to the people of the West, for the benefit of their sons and grandsons, and also as a duty to the harassed and persecuted birds that can not speak for themselves. It has become a case of *now or never*. When we have put the cold facts fully before the people of the western states, our duty is done. If they are too indifferent to the future, too eager to kill, and too neglectful of their plain duty to posterity to arouse and resolutely take action, the loss will not in any degree be chargeable to the Permanent Wild Life Protection Fund.

The legislatures of nearly all the western states will sit during January and February, 1917. After that they will not reassemble for two years; which will be 1919. The time to act is NOW; for the way things are going in some states, two more years *may easily prove fatal to the grouse species in those states*. Stop for a moment and think what the automobiles, good roads, pump and automatic guns, wicked open seasons and sinfully large bag limits are doing to the harassed remnants of sage, sharp-tail and pinnated grouse each season!

Your only time and opportunity for making a choice between saving and exterminating your finest upland game birds is NOW.

THE DEADLY AUTOMOBILE.

During the past five years there has arisen a new enemy to wild life, a hydra-headed monster more deadly than would be ten thousand dragons of St. George.

As a new factor of destructiveness to game birds and deer, the automobiles of America bid fair to become almost as deadly as the pump and automatic shot-guns. I estimate that on all upland game birds, shore birds, many of the interior ducks, and all deer, they have increased the dangers to wild life, over the influence formerly exerted by horse-drawn vehicles, at least 300 per cent.



THE MODERN JUGGERNAUT OF GAME SLAUGHTER

It was the Automobile that made possible this deadly work by the three Men, Pump Guns and Dog. Everything goes down before this combination. Only the fool can believe that any game can endure against it.

By this I mean that with the aid of the automobile, and the "good roads" that it has brought, the man who hunts upland game birds, shore birds, fresh-water ducks and geese, and deer, can cover in a given time three times as much ground, and kill three times as much game, as he could cover and kill by the aid of even the best horses.

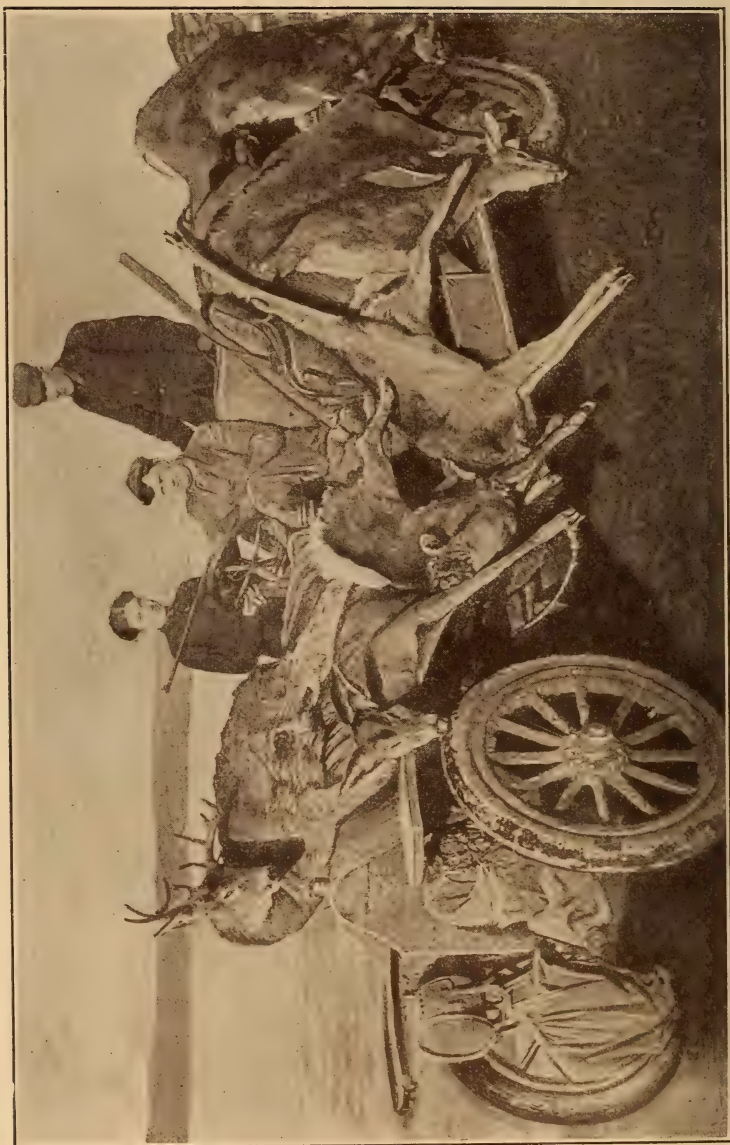
Let me quote from Mr. M. F. Westover, of Schenectady, a concrete statement regarding conditions in the Adirondacks affecting our deer:

"The number of hunters is increasing, and especially of those who live in cities and towns adjacent to the Adirondacks. The reason is obvious. In the old days a man who had a week-end vacation could not make a day's drive in, hunt a day and take a day to drive back. Now, through the automobile, and the good roads which the auto has brought, the same man can be in camp two days; and those who live anywhere within 50 to 100 miles can get in within a few hours. I was only 4 hours and 15 minutes from Schenectady to North Hudson, a distance of 104 miles.

"Last fall [1914], during the last week of the season there were, within a radius of five miles from a certain supposedly 'wilderness' camp, more than 250 hunters; and one drive was made with 31 men working together. Three years ago 53 male deer were taken out of that territory; two years ago, 26; last year, 23; and this year during the first six weeks of the season, 2!"

The use of the automobile in hunting, just as far and as fast as it possibly can be used, now is universal. To the sage and other grouse and quail of the West, and to all the game of Texas, it is bringing particular havoc. In India it is used in hunting elephants, and in Australia the auto is of great service in the wholesale slaughter of kangaroos.

Already two states, North Dakota and New York, have officially recognized the deadliness of the automobile to game, and have prohibited its use in hunting.



EFFECTIVENESS OF THE AUTOMOBILE IN DESTROYING BIG GAME

Thus is the State of Texas exterminating her deer, by wholesale killing, and the destruction of the females.

As agencies of slaughter increase in a 300 per cent ratio, the shields thrown around the vanishing game must be increased to the same extent. In the states west of the Mississippi River the one answer to the automobile, the pump gun, and the automatic gun, is the complete stoppage of all killing of sage grouse, pinnated grouse, sharp-tailed and Franklin grouse, and quail, for six years from March 1, 1917. By the expiration of that period, if any upland game birds have shown a great increase, and a renewal of shooting is justifiable, then the only basis on which a re-opening of shooting would be safe, sane or justifiable, would be:

1. A total open season of two weeks only;
2. A bag limit of 2 grouse per day, or 4 quail;
3. No use of pump or automatic guns in hunting, and
4. No use of automobiles in hunting.

It is barely possible that these four principles honestly observed would, when the upland game has recovered sufficiently, be sufficient to insure that only the natural increase of birds would each year be killed, and the seed stock be placed *on a continuing basis*.

Are the American people big enough and resolute enough thus really to conserve their game, and *provide for legitimate sport on a permanent basis*? Are they now ready to put the hunting of upland game birds on a recreational basis, or do they wish it to remain on a meat basis?

We await the answer of the western states.

SEVERITY OF HUNTING CONDITIONS.

Thus far not one state has stopped the shooting of sage grouse. In Canada, Manitoba has done so; and almost everywhere in Canada the use of automatic guns is prohibited. In the United States the trail of the machine-gun serpent is over us all save in Pennsylvania, New Jersey and Idaho.

Existing conditions are, in the main, fearfully hard on the sage grouse, the sharp-tailed and other grouse; though

in some states are worse than in others. What do you think of the ethics of an open season on grouse during the whole month of *August*? That is the state of fact in Colorado and Wyoming, when the young birds are *scarcely old enough to fly*? And what do you think of an open season from *July 15* to *February 16*? That is the case today in the state of Nevada, where the daily bag limit is *ten* birds. Can you beat it? And think of Oregon, honorable and admired Oregon, with an open season beginning *July 15*!

And what do you think of Idaho, with a daily bag "limit" of 12 grouse; Colorado, with a big "limit" of 20; and South Dakota, with a grotesque "limit" (?) of 25 grouse?

But let us here set down a full list of the open seasons on sage and sharp-tailed grouse in the states still inhabited by those birds. We will list them in the order of their wickedness, and "let the chips fall where they will."

OPEN SEASONS ON SAGE GROUSE AND OTHER GROUSE.

Nevada.....	from July 15 to Dec. 1	4½ months
Oregon.....	" July 15 to Sept. 1	1½ "
Wyoming.....	" Aug. 1 to Sept. 2	1 "
Colorado.....	" Aug. 1 to Sept. 1	1 "
Idaho*.....	" Aug. 15 to Dec. 1	3½ "
California.....	" Sept. 1 to Dec. 1	3 "
Nebraska.....	" Sept. 1 to Dec. 1	3 "
Utah.....	" Sept. 1 to Sept. 15	½ "
North Dakota..	" Sept. 7 to Nov. 2	1¾ "
South Dakota...	" Sept. 10 to Oct. 10	1 "
Montana.....	" Sept. 15 to Oct. 16	1 "
Washington.....	" Oct. 15 to Nov. 1	½ "

In order to make our records complete we will add the provinces of Canada that contain sage grouse, and either the sharp-tailed or the pinnated species.

*Idaho protects the sharp-tailed grouse for 3 years.

OPEN SEASONS IN CANADA.

Saskatchewan—NO OPEN SEASON!

Manitoba.....from Oct. 1 to Oct. 21 $\frac{2}{3}$ month
 Alberta..... “ Oct. 1 to Dec. 212 months

Next in order of destructiveness comes the bag limits prevailing in the various states. They represent various states of mind, ranging from moderation to wicked destructiveness.

These, also, will be listed in the order of their deadliness to the grouse.

DAILY BAG LIMIT ON SAGE GROUSE, AND OTHER GROUSE.

South Dakota—25. *Two good-sized flocks!*

Colorado—20 for men, 10 for boys. Practically *two broods* for men, one for boys. Open season begins *Aug. 1*—a double crime!

Idaho—12. Beginning August 15!

Nevada—10. Daily for *seven months* of the year.

Nebraska (no sage grouse)—10. Pinnated grouse only.

North Dakota—10. Where the species is almost gone.

Utah—8.

Wyoming—6. Beginning on *Aug. 1*, with little chicks!

Montana—5.

Oregon—5.

Washington—3 to 5.

California—4.

Now, I ask the men of the twelve states represented above to look me straight in the eye and answer this question: *Are not your bag limits and your open seasons on grouse twin crimes against the species, and against your own boys?*

I assert that *they are*; and if they are permitted to remain as they are after March 1, 1917, then the men of the West will be to blame for the extermination that will follow.

Any state that opens the shooting season on any grouse or quail by so much as one day before September 15 thereby ignores the ethics of legitimate sport. Fancy opening grouse shooting on *August 1*, as is done in Colorado and Wyoming; or, worse still, on *July 15*, as is done in Oregon, when many of the young birds are only just able to fly! Of sage grouse in August Mr. William C. Bradbury, of Denver, says that he has "seen flocks of young birds, little if any larger than quail, and barely able to get on to wing; and on these trips I have seen many a game-hog claiming to be a sportsman shoot any of these birds that could rise into the air!"

In New York we have on ruffed grouse a daily bag limit of 4 birds only. No one makes any fuss about it; and the difficulty of killing grouse in thick timber and tall brush makes this bag limit of real benefit to the birds. If the birds were as easily killed as are all grouse of the plains, the bag limit would not save them.

Bear in mind, men and boys of the West, that *a wild species easily reaches so low a point in numbers, and in power of self-protection, that even long close seasons can not save it from its natural enemies, and enable it to breed back.*

INFLUENCES NOW EXTERMINATING WESTERN GROUSE AND QUAIL.

1. The immense number of sportsmen and game-hogs.
2. The deadliness of the automatic and pump guns.
3. The deadly usefulness of the automobile and good roads.
4. The unwariness of the grouse generally, and the ease with which they are found and killed.
5. The wicked and in some cases brutal open seasons.
6. The deadly bag "limits"—which as "limits" are in one-half the western states only a joke!
7. The fatal scarcity of game wardens.
8. The lawlessness of many hunters.
9. The trampling of nests and young by cattle and sheep.

10. The development of dry farming.
11. Killing at all seasons by sheep-herders.
12. Continuous destruction by wolves and coyotes.

I call upon the men and boys of the Real West to read the above catalogue of deadliness, carefully, and then say frankly whether they believe it is POSSIBLE for the sage grouse, and other grouse, and quail, *to continue to exist on their present status*. And let them say what else than strong, quick measures, manfully conceived and resolutely executed, can save the grouse on a continuing basis. Tell me *what else* than 6-year close seasons can stop the downward rush, in time to avert a quick plunge into Oblivion.

In my opinion, a 6-year close season in each sage grouse state (except possibly Nevada and Oregon?) is the only answer to the situation just now for that species. Do not stop to haggle and split hairs and argle-bargle about "seasons" and "bag-limits," and finally produce no results worth having. Strike now for REAL protection, and enact it into law! Then, while that is on, there will be plenty of time to watch results, calculate chances for the future, and IF the grouse increase *abundantly*, plan a reopening of shooting six years hence on a *thoroughly reformed basis*. That basis will (if at all justifiable) probably need to be two weeks only of an open season, in September, and a bag limit of THREE birds only.

I do not wish to see grouse shooting become an extinct pastime. It is a glorious holiday diversion for the right-minded sportsman who carries a double-barreled shotgun and who thinks more of a fine day in the open, in a wild spot, than of the number of bloody carcasses in the game-bag. Today, *no* one needs the sage grouse for food, to keep the hunger wolf from the door. It is time to cut out the "food" and "meat" idea, entirely, from the list of factors to be considered.

Men of the West, do not rob your little sons and grandsons of the pleasure of seeing the Cock-of-the-Plains on his

own ground and hearing the thunder of a rising flock. Do not rob the boy of his rightful inheritance of wild game and gentlemanly sport with the gun. You have had your share; give him his. Give both him and his game a square deal!

See to it that laws are passed *right now* that will give the boy a taste of what you have enjoyed in such abundance. Do not make it necessary for John and Billy to go to your state museum in order to see what a sage grouse looks like! Any man who will rob his boy of his share of game is—but I will let the Reader finish the sentence.

Don't butcher grouse in August. And don't kill a wheelbarrow load of it in any one day. Put the grouse, the quail, the deer and the sheep on a *continuing* basis. If you kill more than the annual increase, as sure as Time that course will spell total extinction. Remember the greed and folly that wiped out the bison, the passenger pigeon, the heath hen and other species, so quickly that it was all over and done before people knew that it was happening.

NO RESTOCKING POSSIBLE.

NO! You can not now, nor at any time in the future, bring back the sage grouse, nor any other grouse, by breeding it in captivity, and restocking your barren covers with hand-reared birds! *It can not be done.* If you lose your American grouse and quail *once*, you lose them *forever!* Make no mistake about that. If you do not care to accept this statement from me alone, ask any other man who knows, to show you a state, or even one-tenth of a state, that has been restocked with quail or grouse, of any kind that has once been exterminated.

The heath hen was brought back to its special game preserve on Martha's Vineyard by ten years of careful nursing *on its own ground, in a wild and natural state.* In 1906 the whole existing stock consisted of 21 birds! On January 1, 1916, the flocks contained about 2,000 birds; which was a great triumph for the bird defenders of Massachusetts.

But alas! All the eggs were in one basket.

In the spring of 1916—the nesting season—a prairie fire swept over the home grounds of the heath hen, and all save a pitiful remnant of the flocks were burned to death. Some mother birds were burned on their nests. At this time no man can say precisely how many birds remain, but it is believed to be less than 100.

In America men are spending money in efforts to procure from Europe, and colonize here, the black cock, or capercaillie. It is a fine bird, but it is not probable that it ever will become acclimatized in the United States, and thrive, as the ringnecked pheasant has done in a few states. Natural enemies, and other influences operating against it, are too numerous and too powerful.

We can witness the failure of these efforts at the introduction of foreign species with complacency. People who are so slothful, or so stupid, as to permit their own finest upland game birds to be exterminated by enemies whom they could control if they would, do not deserve to succeed in replacing them with foreign species. If the men of Wyoming, Colorado, Montana, Idaho and other states permit the automobiles and pump gunners to exterminate their sage grouse, then will they deserve sage-brush plains absolutely barren of bird life. Will they turn over to their sons and grandsons, ten or twenty years hence, "hunting grounds" of lifeless desolation?

THE SAGE GROUSE.

The sage grouse is the largest and the finest upland game bird of all America, except the wild turkey. It is nearly twice as large as any other grouse, and only the ruffed grouse surpasses it in beauty. Any state may well be proud to have such a bird in its bird fauna. In token of its commanding position as the leader of all the grouse species of North America, it is often called the "Cock-of-the-Plains."

Back in the days when they were plentiful I shot about two dozen sage grouse; and I found it the most thrilling grouse shooting that ever has come my way. The first time that a big flock exploded close in front of me, and leaped into the air, I was scared by the thunder of it, and dazed by the size and beauty of the birds. As they flew away from me, their big heavy bodies rocked from side to side like a boat in a rolling sea.

The finest sight of upland game birds that I ever saw was a big flock of sage grouse on a level and rather open sage-brush flat in the valley of Little Dry Creek, Montana (1902), very near the old LU-bar ranch. For some reason the birds elected not to fly in a hurry. Perhaps they knew by wireless that we were not going to shoot any of them. At least thirty birds, in full fall plumage, slowly and majestically stalked in open order over the short buffalo grass, very slightly obscured by the small and widely scattered clumps of sage-brush, calmly looking at us and showing off. Mr. Huffman and I gave them the grand hailing signal, and then sat on our horses within forty feet of the head of the flock, enjoying that remarkable sight.

But alas! the pump gun has been abroad. In Dawson and Custer Counties there is now about one sage grouse to every twenty-five that were there in 1886, when we first went in. Like other American grouse, this bird always has been too unsuspicious of man, too tame, and too easily approached for its own good. Often it takes wing reluctantly, and too late to escape.

The sage grouse, like all other grouse save the pinnated, is in no sense a migratory bird, and therefore it is not protected by the federal migratory bird treaty. Its fate depends solely upon the men and women of the states that it inhabits. It breeds wherever it lives, and the trampling hoofs of sheep and cattle, and the guns of the sheep-herders, and the coyotes, constantly make for its extermination.

The sage grouse exists in the sage-brush country because it successfully feeds upon the leaves of the sage-brush (*Ar-*

tomisia). Often its flesh tastes so strongly of sage that it is inedible, but unfortunately for the bird, this is not always nor everywhere the case. Of course this bird nests on the ground, in the shelter of the sage-brush and grease-wood; and its eggs vary in number from 13 to 17.

This bird has one striking anatomical peculiarity. It has no gizzard. Its soft, membranous stomach is not qualified for the digesting of hard foods, and it is not a grain eater; but it does eat the leaves of green alfalfa. Of insect food it consumes grasshoppers, and no doubt many other species.

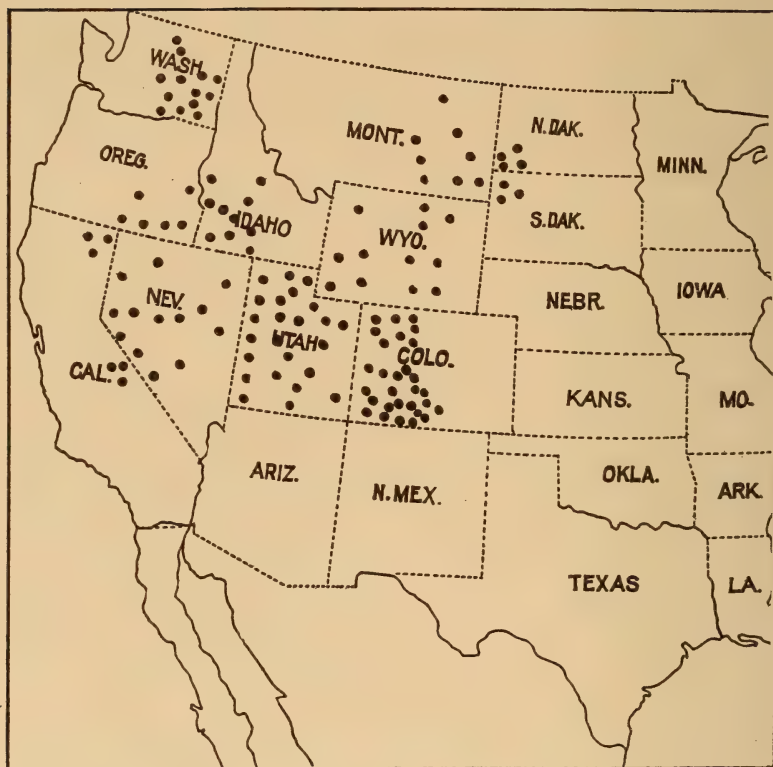
DISTRIBUTION OF THE SAGE GROUSE.

The following states still contain remnants of sage grouse, and to them this call is specially addressed:

COLORADO	NEVADA
WYOMING	OREGON
MONTANA	WASHINGTON
IDAHO	CALIFORNIA
UTAH	NORTH DAKOTA
SOUTH DAKOTA	

The accompanying map shows only the present area inhabited by the sage grouse. It must not be supposed, however, even for a moment, that *all* the area marked as inhabited possesses this bird. In most places throughout the states credited, the sage grouse exists only in small and widely-separated shreds and patches, as minute fragments of a once great stock. In all probability only one-fiftieth of the original area of the sage grouse still contains it in any form, and it is a safe guess that now there is not more than one bird to every twenty-five that existed no more than forty years ago. I have no doubt that many old residents of the sage grouse country will place their local estimates for today at not more than 1 to 100.

In many localities still containing what chemists call "a trace" of grouse, it is fearfully certain that the existing



LOCALITIES STILL INHABITED BY SAGE GROUSE

Each dot represents a county. This map does not purport to be fully complete.

The data for it has been furnished by the following persons:

Dr. Joseph Grinnell	J. T. Purcell
Jas. A. McGuire	Wm. L. Finley
L. C. Jones	P. L. Edholm
D. W. Stanrod, Jr.	Claude T. Barnes
L. A. Huffman	Al Wieseman
W. R. Felton	R. B. Wales
Geo. T. Mills	W. L. Simpson
Brewster Adams	Burke H. Sinclair

N. P. Wilson

remnants are so small, so scattered, so weak and so beset by coyotes, wolves, hawks, sheep, cattle and sheep-herders that *even long close seasons can not save them!* It was because of just such adverse conditions that the too-late close seasons, of five years and even ten years, could not bring back the heath hen to New Jersey, New York and Massachusetts.

If you are going to save your sage grouse, your sharp-tailed grouse, pinnated grouse, quail, band-tailed pigeons, aeer and tree squirrels, you have got to act NOW! Even two years from now may prove to be entirely too late!

THE PRESENT STATUS AND FUTURE PROSPECTS OF THE SAGE GROUSE.

Let us put on the stand, very briefly, a few witnesses who are competent to testify in this case—the case of The Sage Grouse vs. The People of the West.

COLORADO:

William C. Bradbury, Railway Contractor, Railway Building, Denver.

“Regarding Sage Hen, I have emphatically stated my views on every provocation, and at every opportunity to wedge them in from the sportsman’s standpoint. I have shot them in Wyoming, in Utah, in Idaho and almost every other western state, at times when it took long special trips to reach their habitat, and *the fact is beyond controversy that unless something on a very broad scale is immediately done, they are doomed to early extinction*, for the following reasons:

First:—The settlement of the West, and the construction of thousands of miles of new roads through the mountains and foothills where they live, and the advent of the automobile, makes them accessible for a couple of days’ outing, whereas, formerly, it took as many weeks; and consequently there are now twenty gunners for them where formerly there was only one.

Second:—They are large, clumsy birds, and an easy mark in the open, where the remainder of a flock is readily marked down and again flushed by the gunner.

Third:—The open season on them commences *too early*; and I have repeatedly emphasized that fact to sportsmen and to everyone within hearing, during numerous special trips to Wyoming for Sage Chicken shooting and trout fishing. At the same time, I have called attention to the fact that on the same day we would shoot young birds that, owing to their size and flight, could hardly be distinguished from the old birds, and could only settle our disputes upon picking them up, by testing the flexibility of their beaks and examining the density of the breast plumage; and at the same time we have seen flocks of young birds that were *little, if any, larger than quail*, and barely able to get on to wing; and on these trips I have seen many a game-hog claiming to be a sportsman shoot any of these young birds that could rise into the air.

Fourth:—But not the least of these contributors toward the extinction of this species, (and this I don't see how to overcome), is the fact that almost all the sage-brush country now owned by the Government is leased to cattle men and sheep men, for grazing purposes, and their cattle, as well as numerous flocks of thousands of sheep grazing over the sage-brush range, *trample out the nests and eggs, and even young birds, during the nidification period.*

Realizing fully, from frequent experiences, all of the foregoing, it seems to me that the saving of the Sage Hen will be about the most difficult and uncertain task you have undertaken; but *I am in accord with your idea of a closed season*, and assure you that I will not only vote for it, should opportunity occur, but shall cheerfully and as vigorously as possible, individually, whenever and wherever I see an opening or opportunity to do so, express my views in favor of the same."

WYOMING:

William L. Simpson, Attorney-at-Law, Cody.

"Under present protection, I believe the Sage Hen will be practically extinct in ten years. I was over a large portion of the Shoshone Reservation this last year [1915], and saw only a few birds where there used to be thousands. . . . The great trouble is that female grouse are the greatest sufferers from hunting, legal or otherwise. . . . Illegal hunting, from numerous sources, is the bane of the sage grouse. Its distribution is over a country remote from settlements.

Roads and automobiles now take the poacher into their country, and always hundreds of miles from any warden or officer. A killing is made, and no one knows anything about it, or has any way of finding out.

"The state is not protecting the game, in my judgment. For instance, in this county we have only one warden for the entire area, and he is busy issuing licenses and riding along the well-traveled trails, as he has no time to go further. . . . *I am of the opinion that the mountain sheep of the state are doomed to final extinction within a very short time unless protective measures are effected.*"

A PETITION.

Mr. Simpson has drawn up and is circulating for signatures the following forceful and important petition to the Wyoming Legislature, that convenes in January, 1917:

"We, the undersigned, resident citizens of the County of Park in the State of Wyoming, respectfully petition your Honorable Body to pass at the coming meeting of the Legislature, protective laws against the total extermination of the SAGE GROUSE of the State, alleging:

"1. That settlement of areas in which this Grouse has its habitat; easy access to it by modern conveyance; lack of protection on account of remote localities along roads, highways and trails, and an evident lack of interest by Citizens of the State with limited knowledge of this bird's decrease in the last few years, and *the undoubted fact of ultimate extinction of the species within the next five years*, requires:

"That at least a five-year close season be made, and, in addition, suitable and sufficient penalties for its violation."

Burke H. Sinclair, Secretary to the Governor, Cheyenne.

" . . . It does seem to me that a closed season on sage grouse for a definite time would be highly desirable, since they are being killed very rapidly. Sheridan County had a five-year closed season on these birds until last year, when hunters were allowed two birds each. As the result of that protection there was a substantial increase in that county."

S. N. Leek, Jackson Hole.

"I presume there are sage grouse in nearly or quite every county in the state of Wyoming. In some localities they

are fairly plentiful, in other localities where there used to be many, they are nearly all gone. In this valley where we used to see them in clouds, they are nearly all gone. A few years close season, *with enforcement of the law*, would bring them back. Irrigation ditches are a help to them, as out on the dry sage-brush flats there is plenty of feed for them, but far from water the young birds are never found. I presume sheep destroy many of their nests."

IDAHO:

Mrs. Elizabeth Young Hoffman, Ranch Owner, Fairfield
(July 13, 1916).

"My brother and I have homesteads in the foothills of the Sawtooth Mountains, about 40 miles south of Hailey and 30 miles north of Gooding. We live close to the hills, and in the draw back of our house the grouse, willow and brown grouse, and sage hens, nest and are safe. For five years we have protected these birds, trying to keep the hunters off our land, and trying to get all the people interested in protecting them.

"Most of the ranchers do want to protect them. They realize that the wild birds are a benefit to the farmer, and they do all they can to keep the 'sportsmen' off.

"But there is no legal protection. The game laws are a farce. Politics seems everything. Certain men in Hailey go out and shoot every bird in sight. They ignore the limit prescribed by the game laws. The game keepers never arrest them,—afraid to lose their jobs. The law is off July 15, but long before that the hunters come in here,—the only bit of country where sage-hens are to be found,—and shoot everything. They shoot before sunrise, which is forbidden. They kill the old hens 'for fun,' leave them lying on the ground, and eat only the young birds. These young ones are too small to escape. You can knock them over with a stick.

"When we came in here about 18 years ago, the sage hens were plentiful. Flocks of 50 or more were all through these hills. This year I have seen just 15 birds. Those are on my land. To protect them I have put up signs everywhere. But it does little good. The hunters come in and shoot, even though I go down with a rifle to run them off. Their excuse is that if they don't get them some one else will; and they mean to have them while there are any left.

"Mr. Hornaday, couldn't I have my land, and my brother's also, made a game reserve, by the government? We have 640 acres, and if it were made a reserve, the birds would increase.

"The time will soon be here when the sage hens are gone! They do not migrate, and so are not protected under the migratory bird law. Some of the people in this state are *lawless!* Some of them defy every game law. They hunt ducks all winter, fish through the ice, catch trout by the oat-sack full, and shoot deer any time of the year they want to. The hunters come in here literally by the train-load to shoot, and they don't stop shooting until every flying creature lies at their feet.

"It is not for our own use that we want to preserve the birds. We do not eat them. We prefer to see them alive. It is for the country that we wish to save them. We are Americans, and it is a disgrace to see the wild life destroyed by men whose one thought is a big bag.

"If you can do anything in this matter, or suggest what we could do, I trust you will let me know."

Leroy C. Jones, State Game Warden, Boise.

"Our people would not be in sympathy with an entire closed season on sage hen, but I believe we can bring about a move in the next Legislature that will give our birds better protection. We are going to insist on cutting down the limit to less than half, and make the open season a little later, giving the bird a better chance to protect himself. Under the present system of operating the Game Department, if we close the season on the game birds or animals indefinitely we would have no fund with which to operate the Department. We fully realize the need of protection, and believe it can be done by reducing the limit and making the open season a little later."

D. W. Stanrod, Jr., Lawyer, Pocatello.

"There has been very little hunting in the southern counties this year, and I find that through the efforts of our local game warden, and the sportsmen in this county and several of the northern counties, (that is, north of here), that the hunting has been reduced to a minimum. A resolution was passed through our appeals to the effect that the automobile and pump guns would be taboo, and this has had its effect

on other hunters in the vicinity. I cannot, however, vouch for certain counties."

SOUTH DAKOTA:

P. L. Edholm, Deputy State Game Warden, Savoy.

"The counties of Butte, Harding and Perkins still produce a few of the sage grouse, though they seem to be gradually disappearing, even in those localities. These are the only sections of the state (to the best of my knowledge), where these birds may now be found.

I will certainly favor a five-year closed season on sage grouse in this State, and if such a bill is introduced at the next session of our Legislature, it will be a great pleasure to me to do anything and everything in my power to secure its passage."

NORTH DAKOTA:

J. T. Purcell, Sec'y Game and Fish Board, Fargo.

"As to your inquiry about sage grouse, we have some in Bowman County, Stark, and southern part of Billings, and western part of Adams. They are getting very scarce, and civilization seems to be forcing them into Montana."

NEVADA:

Brewster Adams, Reno. (This statement is a welcome exception to the rule!)

"Some hens are found in every county in the state. While they are not plentiful near our towns, they are very numerous back on the hills and mountains, and several have assured me that there are more this year than for many years. In the north end of Washoe Co., (our county), the Smoke Creek Foreman says 'there will be no second cutting of alfalfa, on account of the crop being eaten by the birds' (sage hens).

"I have personally seen four and five thousand in a day back 150 miles from here, toward Oregon, within two years.

"Since the coming of the automobile, they have moved up on to the mountains, although there are a few within sight of my house in Reno. My view is that there are about as many as there have been in the last ten years, but they have moved back to remoter country, of which we have thousands of square miles."

WASHINGTON:

R. B. Wales, State Game Warden, Eastern Washington District, Spokane.

"The only counties in the State of Washington which boast with pride of the few remaining sage grouse are:

"Yakima County	750 to 1000
"Kititas County	500 to 750
"Benton County	150 to 400
"Klickitat County	150 to 400
"Lincoln County	50 to 100
"Grant County	50 to 100

"These counties are all in Eastern Washington and are the only counties in the State which have any sage grouse. Western Washington was never inhabited by the sage grouse to my knowledge. We have had a short open season in the last three years on sage grouse in Yakima and Kititas Counties, but I expect to get a bill through the next Legislature prohibiting the shooting entirely. It would be only a question of a few years when this bird would be exterminated unless we provide a closed season for the next five years. I am heartily in favor of a closed season in all of the Northwestern states which have so few of the sage grouse. I think Washington compares very favorably with Oregon in the number of sage grouse left, and Idaho still has a few in certain districts."

A. F. Wieseman, Bird Commissioner, Spokane.

"I am in favor of closing the Sage Hen [shooting] for from 6 to 10 years. The following counties in eastern Washington have a few Sage Hen: Grant, Adams, Lincoln, Douglas, Okanogan, Franklin, Walla Walla and Whitman."

OREGON:

William L. Finley, State Biologist, Portland.

"The habitat of the sage grouse in Oregon is practically Lake, Harney and Malheur Counties. There are, of course, a few scattering birds in the eastern part of Klamath, in the southern and eastern part of Crook County; a few in Grant and perhaps a few in the southern part of Baker County.

"I am sorry I cannot give you the exact location of where the remaining birds are found in Oregon, but I have seen quite a good many along the Steen's Mountains in Harney County and also in the very southeastern corner of Crook,

and the northwestern portion of Harney County. The main point is that these birds were formerly very abundant all through the southeastern section of the State, but wherever the State has been settled to any extent, or where people are living, the birds have disappeared.

"In regard to a five-year closed season for sage grouse in Oregon, will say that I have talked this matter over with some of our people, and the one matter that seems hardest to combat is the fact that in the three counties in southeastern Oregon, Lake, Malheur and Harney, there is practically no upland game shooting at present except sage grouse. In some sections of these counties the birds are fairly abundant, but in other sections they are nearly gone. The question arises then as to whether it would be better to try for a long closed season throughout the whole state, or to try for a five-year closed season in all counties except Lake, Harney and Malheur. I think it would be a very easy matter to pass this law if the three counties were omitted, but if the entire state was included, we would have a good deal of opposition from the Senators and Representatives in that part of the country. Let me know what you think about the matter.

"I feel that we should undertake a five-year's closed season in Oregon on the Columbia Sharp-tailed Grouse, which is commonly known as the Prairie Chicken here in Oregon. There are very few of these birds left, and unless the season is closed, they will be entirely exterminated."

CALIFORNIA :

Joseph Grinnell, Museum of Vertebrate Zoology, University of California, Berkeley.

"As meeting your request of September 6, we are sending you under separate cover a map which shows the range of the sage hen in California. As far as I know there has been no important change in the extent of this range within the history of the white man, save as pertaining locally. There is no doubt whatever but that there has been very great decrease in certain places, for instance, in Long Valley, Mono County, where up to 1896 the birds were reported to have been found in very great numbers. They are still here, though reduced.

"The map shows stations of known occurrence within the past two years. The reports pertain not to spots, but to the general region in each vicinity.

"My impression is that the sage hens are now on the increase, and that with continued hunting restrictions they should come near resuming their former status, save as inevitably prevented by cultivation and thick settlement."

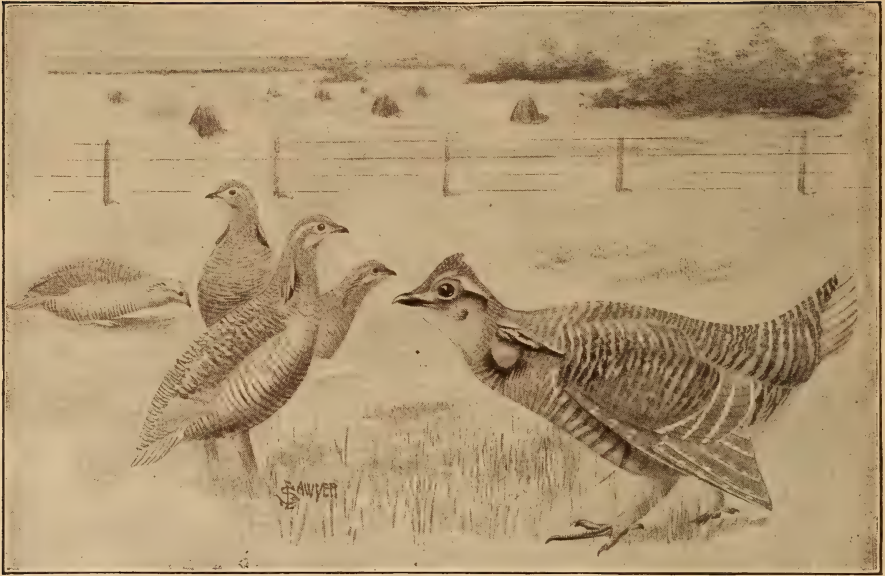
THE PINNATED GROUSE, OR PRAIRIE CHICKEN.

Everything said herein regarding the fate that threatens the sage and sharp-tailed grouse, and fool hen, and the drastic measures necessary to have them from oblivion, may be applied *en masse* to the pinnated grouse. It is unnecessary to go into full details regarding it. The fate of that fine species is up to the legislatures of the few states of the Middle West that it still inhabits on a remnant basis,—Minnesota, North and South Dakota, Nebraska, Kansas and the northern limits of Iowa.

Already the Minnesota Game Protective League, headed by Mr. Clinton M. Odell, is wide awake to the fate that threatens the prairie chicken in Minnesota, and the League has gone on record with a demand for a 5-year close season, at once. This movement is strongly supported by the *Minneapolis Journal* and other Minnesota newspapers, and we confidently believe that the next legislature will take resolute action in the form of a close season law.

Of course it is true that in widely-separated spots in the Dakotas, and in winter in Iowa also, there are a few good flocks of prairie chickens; but let no one be deceived by that fact. *There are only enough birds to serve as breeding stock in bringing back the species to some of those states!* I think that nothing ever will really bring it back to central and southern Iowa, Nebraska and Kansas, or Missouri.

The pinnated grouse *is a migratory bird. It deserves federal protection on that basis*, but I never have been able to make the U. S. Biological Survey admit those two facts. Only two weeks ago (October, 1916) Mr. Clark Williams, while duck-shooting in South Dakota, witnessed during seven days a very pronounced and impressive migration of



From the "American Natural History"

PINNATED GROUSE, OR "PRAIRIE CHICKEN"

pinnated grouse straight over his ducking grounds toward, and evidently into, Iowa. The flight was high, continuous, and it followed what evidently was a genuine route of migration.

Will Minnesota, the Dakotas and Nebraska act in time to save and *bring back* the prairie chicken? We are quite sure that Iowa will not; and we fear that it is now *too late* for Kansas to do so!

AND HOW ABOUT THE QUAIL?

Will the states that still shoot bob-white for sport and for meat stop the quail-hunters, their dogs and their automobiles, in time to save him from extinction? Will the farmers of any state be so foolish as to any longer permit their best feathered friend and ally to be shot in their own

fields for its pitiful ounces of flesh? Perhaps they will be diligent in locking the stable door after the horse has vanished.

To my friend, the Quail-shooter and Epicure:

The next time you regale a good appetite with blue points, terrapin stew, filet of sole and saddle of mutton, touched up here and there with the high lights of rare old sherry, rich claret and dry monopole, pause as the dead quail is laid before you, on a funeral pyre of toast, and consider this: "Here lies the charred remains of the Farmer's Ally and Friend, poor Bob-White. In life he devoured 145 different kinds of bad insects, and the seeds of 129 anathema weeds. For the smaller pests of the farm, he was the most marvelous engine of destruction that God ever put together of flesh and blood. He was good, beautiful and true; and his small life was blameless. And here he lies, dead; snatched away from his field of labor, and destroyed, in order that I may be tempted to dine three minutes longer, after I have already eaten to satiety."

Then go on, and finish Bob-White.

THE LESSON OF THE HEATH HEN.

The people of all the states and Canadian provinces still containing remnants of grouse of any kind or kinds, ptarmigan or quail, are warned to learn now the tragic lesson of the Heath Hen or Eastern Pinnated Grouse (*Tympanuchus cupido*),—the species originally described by Linnaeus in 1766.

Originally it inhabited the open plains of New York,—especially Long Island, New Jersey, Connecticut, Rhode Island, Massachusetts, New Hampshire and Maine. Being a bird of the open country, and averse to the forest life, it was easily found and killed, even with the primitive weapons of the eighteenth century.

"I know no way of judging the Future but by the Past."—Patrick Henry.



Mounted specimens, owned by William Brewster, Cambridge, Mass.

LEARN IN TIME THE TRAGIC LESSON OF THE HEATH HEN

Totally exterminated, all save 21 birds, about 40 years ago, through the heedless folly of New York, New Jersey, Connecticut, Rhode Island and Massachusetts. The long close seasons were given it **TOO LATE!**

CHRONOLOGY.

New York gave the Heath Hen its first protection, in 1708 and 1785.

New Jersey began to protect it in 1820.

Massachusetts finally woke up in 1831; and in 1837 gave it a 4-year close season.

Rhode Island came in in 1846.

New Jersey gave her dead birds a 5-year close season in 1865.

Massachusetts tried again in 1870, with a 6-year close season, hoping to bring it back. The Town of Tisbury, Martha's Vineyard, the last stronghold of the species in Massachusetts, backed and filled with short and long close seasons, and none at all, from 1842 until 1907, when the State established the State Heath Hen reservation,—with a stock of 21 birds!

In 1907, the Heath Hen species was *totally extinct, everywhere*, save for the 21 birds on Martha's Vineyard. Dr. George W. Field (then Massachusetts State Game Commissioner), Messrs. William Brewster and John E. Thayer are entitled to the credit of thus far having saved the species from total extermination by the protection of the last colony.

By 1909 the Heath Hens had increased to about 200 birds.

In 1915 the total number was believed to be in the neighborhood of 2,000.

In 1916 a destructive prairie fire swept over the 2,000-acre heath-hen sanctuary and *burned all the Heath Hens save a very few!* As yet no one knows the exact number of the survivors, but it is a *small* number.

I wish that we could lay this lesson before every shooter of upland game birds in North America; but that is impossible. We will, however, place it before every law-maker of the sage-grouse states.

HOW TO SAVE THE SAGE GROUSE, AND OTHER GROUSE.

In several of the states still inhabited by sage grouse, that species unquestionably is in great danger of extinction in the very near future. In two or three states the situation is not yet so desperate; and in those states it is probable that a proposal for a 4 or 6-year close season would be opposed on the ground that it is not necessary—at present. A few sportsmen prefer to wait until the last day, at sunset, before giving a long close season to a vanishing species.

Invariably, whatever mistakes have been made by American law-makers regarding game, *the errors have been in favor of the killers, and against the game!* Few states ever have given game birds and mammals *full and ample* measures of protection, and done it generously and joyously. As a rule it is done grudgingly, in response to troublesome appeals, and the general demand is that the margin of safety for the game shall be whittled down to an irreducible minimum.

I presume that it will be so with the western states, and all the grouse, until the last grouse is dead. Be that as it may, the least that we can do and will do is to propose and urge adequate measures for the preservation of all the grouse, and of grouse shooting, regardless of the prospect of their defeat. To us, the duty of the various states is as clear as the sun at noonday in midsummer, and there is no decent chance for evasion.

Of the eleven far-western states that still contain remnants of sage grouse, two only—Nevada and Oregon—even **SEEM** to have a number sufficient possibly to justify a brief continuation of shooting. California is believed by Dr. Joseph Grinnell to have enough of the birds to constitute a continuous supply, and warrant a continuation of hunting. But even regarding California, we have doubts. The total sage grouse area in that great state is mighty narrow and small, and unless the birds are decidedly abundant

therein, and terribly difficult to reach, then we must warn Californians to beware of the deadly influence of the automobile, the new road, and the automatic-pump gun! That new combination is exceedingly deadly to birds, and it can snuff out a bird fauna like the blowing-out of a candle by a blizzard.

Were I a Californian, I would strongly advocate an immediate 6-year close season for the sage grouse throughout the short and narrow ribbon that it inhabits along the northeastern border of the state, as the only sure and certain preventive of local extinction.

While at present it is dangerous to advocate an open season on those large, half-tame and easily-killed birds, it does seem as if in eastern Oregon and Nevada grouse shooting need *not yet* be entirely prohibited. In spite of the automobile, it does seem that in view of the reported number of birds, and the remote regions that they inhabit, shooting might continue for a short time, *provided* the open seasons are completely reformed, and the bag limit is reduced to three birds per day. At the same time the capacity of automatic and pump guns should firmly be reduced to two shots. In both those states the open season should be for two weeks only, beginning not one day earlier than September 15.

For each of the remaining nine states, it is perfectly clear that a 6-year close season for each one is *absolutely necessary to save the finest grouse of America from early extinction*.

OBJECTIONS TO BE MET.

In answer to the demand for 6-year close seasons, many good sportsmen will say, "Grouse shooting is the only shooting we now have. If that is taken away, we will have no shooting!"

Now, that condition does not and can not make one particle of difference to the NECESSITIES of the sage grouse, or of any other grouse. There are at least 10,000 localities

in these populous United States wherein there is *no longer game shooting of any kind!* The gameless localities are increasing, in number and in area, at an alarming rate. For example, in the hilly wilderness of the western Berkshire Hills, New York, which we know well, there is absolutely no hunting save of ruffed grouse, on a basis of four birds per day. Deer are there, and a very, very few quail, but not enough that it is right for any man to kill a single one of either species; and the law absolutely protects both species. The guns are hanging up. The time may come when it will be right to have an open season on quail, or deer, but I do not believe that it ever will. I fear that New York was about ten years too late in giving her quail a 5-year close season. The sportsmen of the state lost a year, hesitating, after the demand for a long close season had been made. On account of natural enemies and hard conditions, I fear that there never again will be any real quail shooting in the State of New York. We foolishly and wickedly frittered away our chance to save our native quail on a permanent basis; and all efforts at restocking have *failed*. It begins to look as if our 5-year close season came too late.

Look at Colorado, as an object lesson. According to our crude and bungling American ideas of big game "protection," Colorado is, and long has been, a good game-protecting state. She was the first state to stop all mountain sheep hunting, twenty-seven years ago; and she has successfully brought back to her state fauna that fine species. She was the first state to provide for the sale of game and fish reared in captivity under a tagging system. But concerning big game, Colorado's laws *too long remained fatally liberal to the hunters*. The guns were far too many; and the game too easy to kill. Result: Today in Colorado, once one of the finest of all states for big game, there is "*no hunting of elk, deer, mountain sheep, antelope, wild turkey, quail or pheasant!*" In other words, in Colorado, sport with the rifle now is EXTINCT; and sport with the shotgun is nearly so!

This, men of the West, is the logical outcome of our foolish and abusive treatment of the hunting privilege. As blind devotees of the dangerous fetish called "Personal Liberty" we undertake to give every "citizen"—and many, many aliens also—good, bad and worse—all the free shooting they want, for a paltry one-dollar resident license annually! We turn millions of guns loose on the remnant of game and near-game; we maintain a corporal's guard of game wardens to watch that huge army of 3,000,000 gunners, and we calmly stand or sit by while our finest wild birds and mammals are exterminated.

Our republican form of government is a deadly curse to our best wild life. There are one thousand times too many men who want to kill what they want, when and where they want it; and any man who tries too hard to preserve legitimate sport with the gun from becoming extinct is finally spoken of as "the bitterest enemy of sportsmen."

The 6-year medicine will seem bitter; but if the case is to be cured it must be swallowed now! Far be it from me to prescribe trivial measures, for a quarter-way cure. Don't waste valuable time talking about "shortening the bag limit,"—unless you cut it down to zero. For vanishing game all bag "limits" are a fraud, a delusion and a snare. I think they *never yet* have saved a game bird species, and that they never will!

And do not be cajoled or deceived by plausible talk about "shortening the open season" as a real means of saving and *bringing back the grouse*. That, also, is a delusion, in every case of the kind that has come before us. Just now *the sage grouse can not stand any open season!*

Secretary John Sherman said: "The way to resume specie payments is *to resume!*" He was correct. The way to save and bring back the sage grouse is by stopping everyone from killing them, for a number of years. Even with a 6-year close season, it will be hard enough for them to *come back*,—which is what we all wish to see. The heath hen failed to do it; in all localities save one, where the 21 sur-

vivors were treated like so many sick children. Let that sorrowful object lesson now be taken to heart by all true Americans, and applied "for the good of the order."

HUNTING LICENSE MONEY CANNOT ALWAYS PAY THE COST OF GAME PROTECTION.

At this moment many states are supporting their game commissions and game wardens solely on the funds derived from the issue of hunting licenses on a cash basis. Already there are several state game departments which openly say that without hunting-license money with which to pay wardens, their whole force would be wiped off the slate and out of existence.

For example, Maryland has just gone so far as to create a state game commission; but on account of the protection of the oyster industry there is not *one dollar* for the maintenance of state game wardens, and the prosecution of law-breakers; and so the commissioner is utterly powerless to protect the game of Maryland, and prosecute offenders against the laws.

In Delaware, the State Game Commission has quite gone out of business, from lack of funds. No doubt there exists on paper a perfectly good set of reasons for the disgraceful condition; but there can be no adequate *excuse!* When a state is too mean to protect the wild life within its borders, that state should go out of business, and ask to be merged into the nearest commonwealth that is performing the functions of a real state.

There is at least one western state (Idaho), whose State Game Warden entertains the view, and the fear, that a 5-year stoppage of sage grouse shooting would wipe out their annual maintenance fund; and so, with the grouse of Idaho on the road to extinction, the situation becomes both perplexing and serious.

The dependence of game protection on the killing of game, and alleged game, presents a problem of constantly increas-

ing seriousness. Wherever the game supply is perpetual, there is no worry; but where game extinction looms up ahead, there is a crisis to be dealt with. We may as well face this situation now, and resolutely grapple with it.

In the first place, the principle that the protection of game and other wild life *must* be supported by the killing of game, *is thoroughly and everlastingly wrong!* We might as well assume that every public school must be supported by its pupils, or go out of business.

Through the force of circumstances we have been drifting with the current of game slaughter, until we have lodged upon a foundation of sand. The principle of *game protection only through game slaughter*, is reprehensible and untenable. For the people of any state to assume that protection must come through slaughter or not come at all, is to assume that the song and insectivorous birds are not worth protecting when their defense must be paid for by the tax-payers at large. Shall robins be slaughtered by pot-hunters because there are no more ducks for licensed sportsmen to kill? Shall the wild birds and beasts of gameless states have no protection?

The duty of the citizen,—to protect wild life according to its needs,—has nothing whatever to do with regulations for the killing of game, or the income to be derived therefrom. Game-killing and modern wild life protection are two very distinct and widely-separated industries. If the licensing of game hunters happens to produce a considerable revenue, that incident is merely the good fortune of the state treasury, and nothing more. If hunting is a legitimate sport, and of genuine benefit to a large body of good citizens, it is the duty of the state to regulate it, and make it bear its share of public burdens; but the protection of wild life must not depend for its life blood upon hunting-license revenues. Wherever the hunting-license fees can and do pay the costs of game and song-bird protection, that is the good fortune of the state taxpayer, but it does not in any manner

release him from his duty when the license money ceases to accrue.

Shall the non-game birds of beauty and value be penalized, and slaughtered whenever there is no longer any game to kill under license?

The idea is repulsive. Surely the people of America generally never will adopt such a policy, even though Delaware is practicing it today, and certain other states have no paid game wardens.

No! A thousand times no! The protection of the non-game birds, and our tattered remnants of game birds, never should be made *contingent* upon the receipt of blood money derived from the sale of hunting licenses. We must not descend low enough to occupy such mean and sordid ground as the acceptance of that principle would imply.

It is the duty of the people of all states yet inhabited by grouse to accord all grouse species the long close seasons that their circumstances now demand, entirely regardless of the license question; and if ever it comes to pass that the hunting-license fees are inadequate for the maintenance of state game commissions and wardens, then all the shortages must be made up by taxation. The American people are not yet so poverty-stricken that they can not afford to protect their song birds.

Why should not all the people who are benefited by the labors of the insectivorous birds pay something to protect those feathered allies and servants from wicked annihilation?

GROUND FOR SOME HOPEFULNESS.

There are signs that many of the American people really are awakening to the dangers that threaten their upland game birds—even though that awakening is very sadly belated in its arrival. I feel sure that in some districts it has come too late; but better late than never.

Here is a curious coincidence:

In 1912, throughout the United States from coast to coast, with but very trifling exceptions, the slaughter of upland game birds was merrily proceeding. We can write on a visiting card the exceptions wherein the lid had been put on by the enactment of long close seasons. Here they are:

LONG CLOSE SEASONS IN THE U. S. IN 1912.

On Bobwhite Quail, in Arizona and N. Dakota.

On the Heath Hen, in Massachusetts.

On Pinnated Grouse, in Michigan and Missouri.

On Ruffed Grouse, in Missouri and Nebraska.

On all Grouse, in Oklahoma.

With the exception of a few trifling county restrictions, according to the official records those were *absolutely all!*

In January, 1913, the New York Zoological Society placed in the hands of every state legislator (and there were nearly 7,000 of them), every governor, state game commissioner and state game warden, a campaign book entitled "Our Vanishing Wild Life," which incidentally endeavored to raise Cain in all states about the sweeping destruction of our upland game birds, and particularly the grouse and quail. The slaughter of the bob-white came in for special attention, and it was unsparingly condemned.

Today, twelve of our states and two Canadian provinces have stopped the killing of the bob-white!

NO BOB-WHITES KILLED IN THESE STATES:

ARIZONA

COLORADO

KANSAS

MICHIGAN

NEW MEXICO

NEW YORK

OHIO

N. DAKOTA

S. DAKOTA

UTAH

WISCONSIN

WYOMING



THE BOB - WHITE

For the smaller pests of the farm, this bird is the most marvelous engine of destruction ever put together, of flesh and blood.

NOR IN THESE CANADIAN PROVINCES :

MANITOBA

ONTARIO

And there has also been an awakening in regard to the necessity of long close seasons for grouse of various species. Observe the following :

STATES THAT PERMANENTLY PROTECT CERTAIN GROUSE.

ARIZONA—All grouse.

COLORADO—"Partridge" and ptarmigan.

DISTRICT OF COLUMBIA—"Pinnated Grouse!"

KANSAS—"Grouse," and pinnated grouse.

LOUISIANA—Prairie chicken.

MASSACHUSETTS—Heath hen.

MICHIGAN—Prairie chicken, Canada and spruce grouse.

MISSOURI—Pinnated grouse.

NEBRASKA—"Partridge" (Ruffed grouse?).

NORTH DAKOTA—"Partridge (Ruffed grouse?).

OKLAHOMA—Prairie chicken.

OHIO—Ruffed grouse.

OREGON—Partridge, prairie chicken and fool hen.

CANADIAN PROVINCES THAT PERMANENTLY PROTECT GROUSE.

MANITOBA—"Pheasant."

NEW BRUNSWICK—"Pheasant."

NOVA SCOTIA—Canada grouse and "pheasant."

ONTARIO—"Partridge, grouse and prairie fowl."

SASKATCHEWAN—SAGE GROUSE, ruffed and Canada
grouse.

We regret to say, however, that with all this, *not one state containing sage grouse has yet taken steps to permanently protect that species!* And in some states the open seasons and bag "limits" are shocking.

WHY *this wicked discrimination against the finest of all American grouse?*

THE PATH OF DUTY.

There is much information that could be given about the distribution of sage grouse, and other grouse, and quail, in the various states; their habits, and their history; but what is the use? We are not writing academic bird-lore. We are trying to bring about the salvage of species that are on the toboggan slide and going with lightning speed toward Oblivion. We are trying to point out the cold fact that in these destructive times a species can be completely exterminated in a horribly short period.

Having turned on the light, the result now depends upon the action or non-action of the serious-minded men and women of the Far West. The citizen who desires action should at once take steps to acquaint all his State Senators and Representatives with his views, and call for action. We no longer "appeal" to lawmakers for the rights of the wild creatures. We *demand* them!

Many times it becomes the duty of all men delegated and empowered by their fellow citizens to frame and enact new laws, to *lead public sentiment, rather than to wait in order to follow it*. This is overwhelmingly the case now in regard to the protection of wild life. We are convinced that in one year's time we could prove to the satisfaction of an overwhelming majority of the citizens of any western state that the time has come to give 6-year close seasons to the sage grouse and for that matter, to various other species of upland game birds. It took just one year to educate the sportsmen of the state of New York from a starting-point of hostility to the finishing-point of complete acquiescence in the making of a 5-year close season on quail throughout that state, except on Long Island.

But there is *no time* in which to reach the individual sportsmen of any western state; and it would be unwise to delay action in order that such an attempt might be made. Even if the legislatures of the western states met annually, the delay would be highly unsatisfactory; but it must be remembered that from March 1, 1917, TWO WHOLE YEARS must elapse before this question can be taken up anew, and acted upon!

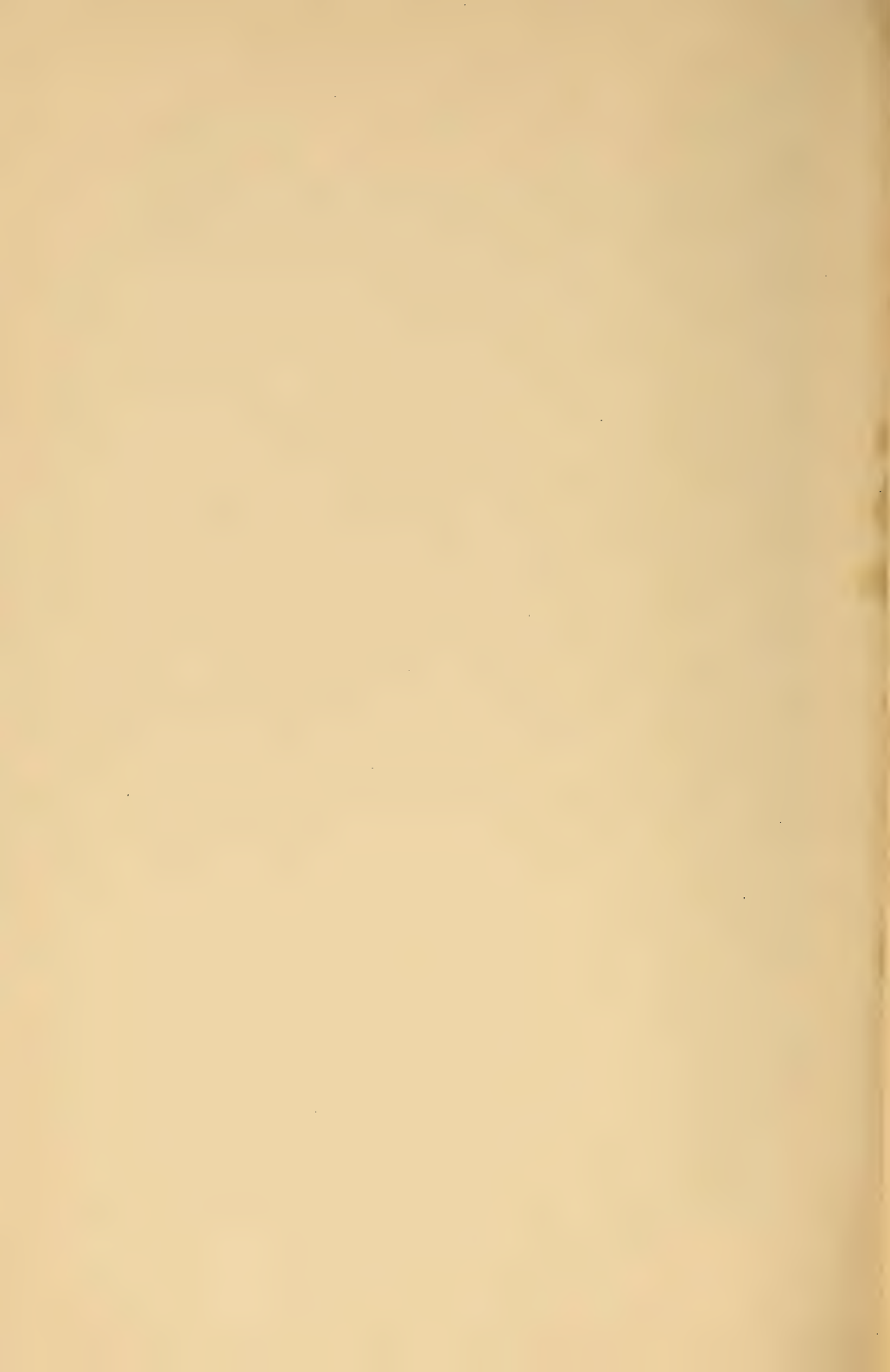
The danger point of extermination is in many localities too near to permit of such a delay. It therefore would seem to be the imperative duty of the members of the legislatures of the sage grouse states to lead public opinion in this matter in 1917, rather than to delay two years longer in order to follow it.

The duty of the citizen is clear enough, but it is not easy to reach the individual in order to inform him of all the

facts in the case. If it were possible to reach the masses of true sportsmen throughout the western states with the indisputable facts regarding the sage grouse situation, we have no doubt whatever that they would immediately move for adequate measures of protection.

But who is going to put forth the effort that would be necessary to place this situation clearly and fully before all the members of the grand army of western sportsmen? Such an effort, to be successful, would require a years' time and a very considerable expenditure of labor and of money. Is it necessary that it should be made at the expense of the fast vanishing grouse? We hold that it is not; and that each state legislature of the states west of the Mississippi will be amply justified in immediately enacting a six-year close season law for its sage grouse, sharp-tailed grouse, pinnated grouse and all other species of upland game birds that now are in danger of extermination.

In behalf of the sage grouse, and all the other grouse, quail and ptarmigan of the West, we now demand that they be saved from extinction by legislative action in 1917, in the form of new laws providing close seasons of from 6 to 10 years; and no half-way measures are requested or desired.



GAME REFUGES

HEARINGS

BEFORE THE

SUBCOMMITTEE OF THE COMMITTEE ON AGRICULTURE

HOUSE OF REPRESENTATIVES

SIXTY-FOURTH CONGRESS

FIRST SESSION

ON

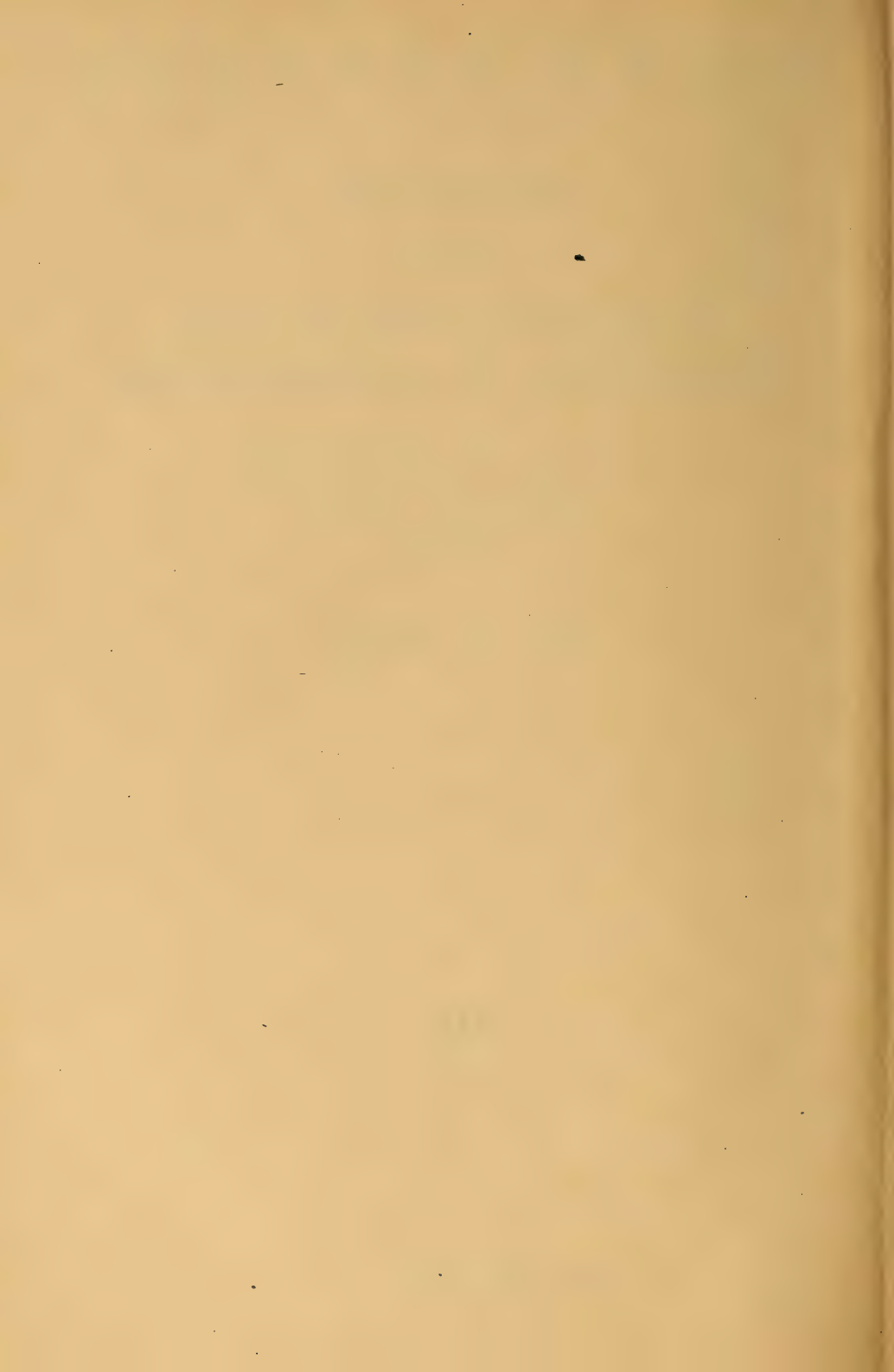
H. R. 11712

SATURDAY, JUNE 17, 1916



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GOVERNMENT PRINTING OFFICE

1916



GAME REFUGES.

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF COMMITTEE ON AGRICULTURE,
Saturday, June 17, 1916.

The subcommittee, consisting of Hon. H. M. Jacoway, Hon. John V. Leshner, Hon. M. K. Reilly, Hon. James C. McLaughlin, and Hon. W. W. Wilson, this day met, Hon. H. M. Jacoway (chairman) presiding.

MR. JACOWAY. The subcommittee has under consideration to-day H. R. 11712, introduced by Mr. Hayden, and I will ask that the bill be printed at this point in the record.

[H. R. 11712, Sixty-fourth Congress, first session.]

A BILL To establish game sanctuaries in national forests, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of providing breeding places for game animals on lands in the national forests not chiefly suitable for agriculture the President of the United States is hereby authorized, upon recommendation of the Secretary of Agriculture and with the approval of the governors of the States in which the respective national forests are located, to establish, by public proclamation, certain specified areas within said forests as game sanctuaries or refuges which shall be devoted to the increase of game of all kinds naturally adapted thereto, but it is not intended that the lands included in such game sanctuaries or refuges shall cease to be part of the national forests wherein they are located, and the establishment of such game sanctuaries or refuges shall not prevent the Secretary of Agriculture from permitting grazing on these areas of cattle, sheep, and other domestic animals or permitting other uses of the national forests under and in conformity with the laws and the rules and regulations applicable thereto, so far as such use may be consistent with the purposes for which such game sanctuaries or refuges are authorized to be established.

SEC. 2. That when such game sanctuaries or refuges have been established, as provided in section one of this act, hunting, pursuing, poisoning, killing, or capturing by trapping, netting, or any other means, or attempting to hunt, pursue, kill, or capture any wild animals or birds or fish for any purpose whatever upon the lands of the United States within the limits of said game sanctuaries or refuges shall be unlawful except as hereinafter provided, and any person violating any provision of this act or any of the rules and regulations made under the provisions of this act shall be deemed guilty of a misdemeanor and shall upon conviction in any United States court be fined in a sum not exceeding \$500, or be imprisoned for a period not exceeding six months, or shall suffer both fine and imprisonment, in the discretion of the court.

SEC. 3. That the Secretary of Agriculture shall execute the provisions of this act, and he is hereby authorized to make all needful rules and regulations for the administration of such game sanctuaries or refuges in accordance with the purpose of this act, including regulations under which fishing not in contravention of State laws, and hunting, capturing, or killing predatory animals, such as wolves, coyotes, foxes, pumas, and other species destructive to live stock or wild life may be permitted within the limits of said game sanctuaries or refuges.

SEC. 4. That the Secretary of Agriculture shall cause the boundaries of all game sanctuaries or refuges established under the provisions of this act to be suitably marked where necessary and notices to be posted showing the location thereof and warning the public that hunting game animals and birds is prohibited therein, and that hunting, capturing, or killing predatory animals, and fishing is permitted only under the rules and regulations of the Secretary of Agriculture.

SEC. 5. That it is the purpose of this act to provide breeding places for large wild animals, such as deer, elk, mountain sheep, and other species, which may be made to produce an increased food supply by breeding under natural conditions and spreading over adjacent territory, whereon they may be hunted in accordance with State laws; to establish sanctuaries of medium size rather than large preserves; and whenever possible to establish chains of sanctuaries which in turn will restore wild game animals to intervening territory; but it is not the purpose to authorize the establishment of such game sanctuaries or refuges as will embrace all the hunting grounds of any given region.

STATEMENT OF HON. FRANK W. MONDELL, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WYOMING.

Mr. JACOWAY. You may proceed, Mr. Mondell.

Mr. MONDELL. Mr. Chairman and gentlemen of the subcommittee, I am opposed to the bill under consideration for a variety of reasons, as follows:

First. Because Congress has not the constitutional authority to enact such legislation.

Second. Because if it were within the power of Congress to enact such legislation it would not be wise to do so, owing to the fact that the evils that would attend and follow such legislation and its enforcement by Federal authorities would far outweigh any good that it may be claimed would flow from it.

Third. Because—and I want particularly to call your attention to this—the States affected have full, complete, and unquestioned authority to provide for game preserves or sanctuaries, as the bill proposes, and to fully and completely protect the game within them, and a number of States have done so. As a matter of fact, not only have the States full, complete, and absolute authority to do everything that is proposed in this bill, but they have authority to do very much more in the protection of game than the bill proposes, and do it.

The bill proposes to authorize the President, upon the recommendation of the Secretary of Agriculture, and with the approval of the governors of the States, to establish certain areas within the national forests as game sanctuaries or refuges; and section 2 of the bill provides a penalty to be fixed by a United States court of both fine and imprisonment for the hunting, pursuing, or killing, or attempting to hunt, pursue, kill, or capture any wild animal, birds, or fish within the limits of these preserves; while section 3 authorizes the Secretary of Agriculture to allow fishing or the hunting or killing of predatory wild animals in a manner not in contravention of State laws and under such regulations as he may prescribe.

It will be noted that the bill raises squarely the question as to the jurisdiction of the Federal and State governments, respectively, over the hunting, killing, and taking of wild game, and collaterally the question of the extent or character of Federal authority and jurisdiction over public lands reserved as national forests.

As to the first and primarily important of these propositions, there is little ground for difference of opinion. In the case of *Ward v. Racehorse* (163 U. S., p. 507) the court held "the power of a State to control and regulate the taking of game can not be questioned."

I have quoted the exact words of the decision, and this power was declared to be "complete," page 510, and it was held that this power

extends to the public lands of the United States within the State's borders. (See Cooley's Constitutional Limitations, p. 291.)

Such is the language of the court.

The earliest of the widely quoted cases on the character of the State's authority over the capture or killing and taking of game is that of *Geer v. Connecticut* (161 U. S., 519). This was a case in which the authority of the State to control the disposition of game, or its transportation beyond the State's border after being lawfully killed was challenged in the Connecticut courts, and the case went to the Supreme Court on the proposition that the State statute violated the Constitution of the United States. The opinion of the court, which was rendered March 2, 1896, by Justice White, discussed at length the character of wild game, the questions of ownership in the same, and the control of the sovereign over game, going back to English law and following through the colonies to the States of the Union.

That case is the one most quoted, because it covers the ground most completely.

The decision quoted with approval many State and Federal cases to the effect that "the wild game within a State belongs to the people in their collective sovereign capacity" (Ex parte Maier, Supreme Court of California); "the State represents its people in this ownership" (*Martin v. Waddell*, 16 Pet., 410); and this ownership and control "is in the State, not as a proprietor but in its sovereign capacity" (*State v. Rodman*, Supreme Court, Minnesota).

Referring to the complete and exclusive authority of the sovereign over game the court in this case—that is, the case of *Geer v. Connecticut*—said:

It is also certain that this power which the colonies thus possessed passed—

That is, the sovereign power over game—

to the States with the separation from the mother country, and remains in them at the present day.

The next of the important cases, and one very much in point in connection with this legislation, is the case of *Ward v. Racehorse* (U. S. Rept., 163, p. 504), Ward being a sheriff in my State and Racehorse being an Indian. The decision in this case was also delivered by Justice White and was handed down May 25, 1896. This case arose out of the hunting of elk by certain Indians in the State of Wyoming at a time when the State game law prohibited such hunting. It was claimed on behalf of the Indians that they had a right to hunt on the unoccupied lands of the United States by reason of the provisions of article 4 of the treaty of February 24, 1869, with the Bannock Indians, wherein it was provided that the Indians—

shall have the right to hunt upon the unoccupied lands of the United States so long as game may be found thereon and so long as peace subsists among the whites and Indians on the borders of the hunting districts.

I have already quoted briefly from this decision. It was held by the court that the State of Wyoming was admitted into the Union on an equality and with all of the powers of the other States. The court said:

The power of all the States to regulate the killing of game within their borders will not be gainsaid, yet, if the treaty applies to the unoccupied land of the United States in the State of Wyoming, that State would be bereft of such power since each isolated

piece of land belonging to the United States as a private owner, so long as it continued to be unoccupied land, would be exempt in this regard from the authority of the State. Wyoming then will have been admitted into the Union not as an equal member but as one shorn of a legislative power vested in all the other States of the Union, a power resulting from the fact of statehood and incident to its plenary existence.

The court held that no such contention was tenable.

As indicating the court's view as to the lack of any authority on the part of the Federal Government over the capture and killing of game within a State, is this statement summing up the argument of counsel:

But the argument goes further than this, since it insists that, although by the treaty the hunting privilege was to cease whenever the United States parted merely with the title to any of its lands, yet that privilege was to continue, although the United States parted with its entire authority over the capture and killing of game.

I have already referred to the language of the decision to the effect that, "The power of a State to control and regulate the taking of game can not be questioned," "when the United States had called into being a sovereign State, a necessary incident of whose authority was the complete power to regulate the killing of game within its borders." The court held that a repeal of the treaty resulted from the act admitting the State into the Union so far as it related to the hunting of game within the State.

That case covers every feature of the situation presented by this bill. The complete power and exclusive jurisdiction of the State, the Federal Government having parted with all the authority it had when the State was admitted, and further, that such complete and exclusive jurisdiction related to the public lands just as much as it related to the private lands.

There are a number of other and more recent decisions of Federal and State courts even more strongly emphasizing, if that were possible, the complete jurisdiction of the State over the taking and killing of game, one of which is the case of the United States *v.* Shauver (214 Fed. Rep., 154), which case is now before the Supreme Court of the United States. That case involves, of course, certain other questions than those directly raised by this legislation, the questions that were raised by the passage of so-called migratory bird law.

That case challenges the constitutionality of the migratory bird law, and is now before the court for a rehearing. One very good reason for not reporting legislation affecting the control of game within the States at this time is the fact that there is before the Supreme Court that case which raises the general question, and the court in its decision will undoubtedly cover practically the entire field as they did in the case of *Geer v. Connecticut*, and to a lesser extent in the case of *Ward v. Racehorse*.

I feel that I have taken up more time than, perhaps, I should in the presentation of this feature of the case, because as a matter of fact, State control over the hunting or taking of game is either admitted by those who are in favor of this bill, or they entirely avoid that issue in their arguments. It is true that in the discussion before the committee a few days ago, one gentleman advanced the novel theory that the sovereign, whom he admitted had exclusive jurisdiction over game, was not the State but the Federal Government. That argument is conclusively settled in the case of *Geer v. Connecticut* and *Ward v. Racehorse*, particularly the first case, where the question, where the sovereign authority rested, was argued at length,

beginning with ancient times and coming on down through the Colonies to the States.

As I said, I feel that I have taken up more time than I should in the presentation of this feature of the case, because, as a matter of fact, State control over the hunting and taking of game is either admitted by those who favor this legislation or they entirely avoid that question, and the contention that it is the Federal Government that is the sovereign is not tenable for a moment in view of the fact that in the case of *Geer v. Connecticut* that was one of the points raised. The court held that the State was the sovereign and that its sovereignty was absolute and exclusive.

An effort is made, however, to find an excuse for this legislation in the theory that the United States as a proprietor may assert control over the taking of game and that it may go as far in that direction as is proposed in this bill. That argument was made in the *Racehorse* case and because of the fact that the lands on which the Indians hunted belonged to the United States. The court brushed the contention aside, calling attention to the fact that it was idle to argue that the Federal Government, which lost, waived all control over game by the admission of the State into the Union, still maintained some sort of control by reason of its land ownership.

THE CLAIM AS A PROPRIETOR.

But it is urged that Congress has the authority to legislate as is herein proposed, under section 3 of Article IV of the Constitution of the United States, which provides that "The Congress shall have the power to dispose of and make all needful rules and regulations respecting the territory and other property belonging to the United States." It is claimed that as the land on which it is proposed to establish these game preserves are lands of the United States, the power over them and in respect to them granted by the constitutional provision I have quoted is sufficient to authorize legislation of this character. That argument is made in a report signed by the Secretary of Agriculture, under date of May 31, addressed to Hon. Carl Hayden and now before this committee. The argument follows quite closely a more elaborate argument made in a letter dated January 3, 1902, signed by P. C. Knox, Attorney General, and addressed to the Hon. John F. Lacey, chairman of the Committee on the Public Lands of the House of Representatives. Not being a lawyer, it is perhaps presumptuous on my part to attempt to answer the arguments of lawyers, like the present Secretary of Agriculture and the former Attorney General; but I think that a careful perusal of their arguments will make it very clear, even to the lay mind, that they have gone far afield in their argument and have necessarily left some very wide gaps in the thread of their logic.

We are, all of us, familiar with the general proposition that the Federal Government is one of limited powers and that all of the powers not granted are reserved to the States or the people and that powers can not be implied or inferred unless they are a necessary incident to powers clearly granted. I have no disposition to quarrel with gentlemen who give a wide construction to the constitutional provision that has been quoted, provided that construction does not imply power not necessary to carrying out the purposes of the granted

power. There are two very weak spots in the arguments contained in the opinions to which I have referred. One is that no court has ever held, directly or indirectly, favorably to their contention, and second, that giving the widest possible construction to the word "property" and the word "territory" contained in the section of the Constitution referred to, and admitting, for the sake of argument, that they apply to and cover and embrace lands held in forest reserves by no possible extension of authority or jurisdiction necessary to carrying out the purpose of the section, can legislation of this kind be justified.

The article in question provides that Congress shall have the power to dispose of and make all "needful" rules and regulations respecting the territory and other property belonging to the United States. What is the property belonging to the United States in a forest reserve? It is the land and all that grows upon it and all that it contains. The water of the flowing streams is not the property of the United States. The wild game that may feed upon or roam over these lands has been declared by the courts, in the cases I have referred to, to be the property of all the people, under the exclusive jurisdiction of the States. That includes the fish as well as the game, because some of the decisions of the State courts are in regard to fish. The courts have held that Congress has the power to legislate to protect the property of the United States. I am one of those who believe that it has the power to go far in doing that. The courts have held that Congress in exercising this power to protect the property of the United States may go farther than the individual in the protection of his property, because it may actually legislate and prescribe punishment for the destruction of or injury to its property. I do not deny that, but when it attempts to do anything with wild game, to protect, to destroy, or to regulate, it is attempting to manage something that clearly is not the property of the United States. That will not be denied by anyone in the face of the decisions. The courts have held repeatedly that wild game is the property of the people, held in trust for them by the sovereign, the State. That has been repeated over and over in substance.

It can not be argued that the Government needs to protect its property against wild game, for the Government has no property that the wild game will injure, and, at any rate, it is not attempting in this legislation to protect the property against the game but to increase the game on the property. The Government would have a perfect right to fence its land against wild game, but that is not what it is proposing to do.

But it is further insisted that the Federal Government as the proprietor has authority to forbid trespass, and the courts have held that it may go further than an ordinary proprietor and provide punishment for trespass or injury to lands in forest reserves, and it is claimed that the Federal Government may keep people off of its land altogether, or allow them on under certain conditions, and therefore do what is proposed to be done in this bill. The fallacy of that argument lies in the fact that the right of the Federal Government to protect its property and punish for injury to it is assumed to include the right to punish in its sovereign capacity acts that do not injure its property, affecting a kind of property that is in the ownership of and under the complete control, according to the courts, of another sovereign.

When we come to analyze these fine-spun theories whereby it is sought to invade the authority of the State, it will be seen that they are all part of an attempt to secure by indirection a control and jurisdiction that everyone admits could not be secured directly. If there is any one form of Federal encroachment upon the people's reserved sovereignty that is more dangerous than another, it is that form of encroachment which seeks the extension of Federal authority by indirect, roundabout, and underground means.

EVILS AS COMPARED TO BENEFITS CLAIMED.

So much for the legal aspect of the situation. I have said that I was opposed to this legislation, because if it were within the power of Congress to enact such legislation it would not be wise to do so; because the evils that would attend and follow it would far outweigh any good that it may be claimed would flow from it. It is claimed, on behalf of this legislation, that the wild game of the western country is rapidly decreasing, that it is highly important that it should be increased in numbers, and that these game sanctuaries scattered around throughout the forest reserves would give the wild game an opportunity to increase. As a matter of fact, it is not true that wild game of all kinds is rapidly and continuously decreasing in numbers at this time. In some parts of the West it has been very well protected and is on the increase. But assuming that this plan would increase the wild game, but not admitting that it is the only way to increase it, at what a loss to the dignity of the States, at what a cost of money and peace of mind to their citizens, at what a certainty of continual conflict between the Federal and local authorities, would the possible benefits be secured. Nobody knows how many of these reserves might be created, how large a territory in the aggregate they might include. The last section of the bill states that it is the purpose of the bill to establish sanctuaries of medium size rather than large preserves, and it is not the purpose to establish sanctuaries or preserves to embrace all the hunting grounds of any given region. Anyone familiar with legislation knows that such an expression of intent on the part of the law-making body still leaves almost unlimited latitude for action. The bill provides that these preserves shall be established upon the recommendation of the Secretary of Agriculture. I presume they would not be otherwise established. It also provides that they shall have the approval of the governors of the States, though it is doubtful whether such an approval would be an essential under the bill.

It has never seemed to me, however, that it would help the matter any to provide that the governor shall be the medium through which the sovereignty of the State is attempted to be reduced.

Assume the preserves were created in numbers in various parts of the mountain forest reserves. In few cases could their boundaries, except at great expense, be very clearly marked if they are to be numerous and small as proposed. The hunter on the forest reserve pursuing game in season under the State law would constantly be in danger or be tempted to follow game onto the game refuge, or to shoot game on the game refuge from adjoining territory, whereupon the jurisdiction over his act would pass from a State to a Federal court.

In my State there are places where by the nearest route of travel you would have to go several hundred miles to reach a Federal court to try a man for, let us say, killing a jack rabbit on one of these reserves or shooting at one with an attempt to kill it, or a mischievous small boy for robbing a bird's nest.

These Federal courts in Western States are frequently hundreds of miles from the areas that would be designated as game refuges and the citizen would constantly run the risk of being hauled away to a Federal court for some trifling infraction of a rule or regulation of the Secretary, while pursuing game in accordance with State laws, if we give the Secretary, as is proposed, full authority to prescribe what act shall constitute a misdemeanor or crime, punishable as provided in the bill.

The provisions of the bill with regard to fishing are even more clearly unconstitutional than those with regard to hunting, because they might not involve a complete prohibition, but a regulation of the fishing privilege—there is no doubt about that being the exclusive province of the State—it would afford even greater opportunity for friction and conflict between State and Federal jurisdiction.

The rules and regulations of the Secretary of Agriculture might subject a citizen to the extreme penalty of the bill for the most trifling act of carelessness or inadvertence, and yet it is proposed to give the Secretary full authority to thus declare and punish what he is pleased to designate offenses.

MR. LESHNER. Is not that regulated by law, the crime or the misdemeanor?

MR. MONDELL. The bill provides that any violation of the rules and regulations promulgated by the Secretary shall be subject to a fine not to exceed \$500 and imprisonment not to exceed six months, and the Secretary, under that authority, could fine a man the maximum penalty for the destruction of a bird's nest, the taking of a trout, or the killing of a chipmunk. Perhaps he would not go that far, but he would have complete and unquestioned authority to do so. If legislation of this kind were enacted, and unless or until the courts set it aside, because the courts have decided that rules and regulations may be promulgated which will have the force of law. If they relate to subjects over which Congress has control, they went far afield when they so held, but they did.

MR. SISSON. That grew out of the regulations of the Postmaster General?

MR. MONDELL. Yes, sir. There are some cases where it seems to be necessary, but it is a very dangerous power.

STATES HAVE FULL POWER.

I have stated that I was opposed to this legislation, because the States affected have full, complete, and unquestioned authority to do all that the bill proposes to have done and to fully and completely protect the game anywhere within their borders. The migratory-bird law was passed on the theory and under the claim that the States, acting independently, were practically powerless to adequately protect migratory birds. The advocates of that law urged its necessity, because the Federal Government could alone, it was said, furnish the needed protection. No such claim is made on

behalf of this legislation, or if it is, it is not well founded. The legislatures of all the Western States, so far as I am acquainted with their constitutional provisions, not only have authority to prohibit the taking of certain or all kinds of game, permanently or for a given period, or to regulate its taking as they see fit, but they also have authority to prescribe certain areas, few or many, large or small, anywhere within their boundaries on or off forest reserves, within which hunting and fishing may be absolutely prohibited, or within which the seasons for hunting or fishing shall be different from the seasons in other parts of the State.

The State which I have the honor to represent in Congress has repeatedly legislated in the establishment and maintenance of permanent or temporary game sanctuaries. For many years the State made the killing of buffalo a felony, and while the action was taken too late to save many, it did save in the northwestern part of the State the only herd of buffalo that survived in a wild state. For many years the State prohibited the killing of moose, and by so doing has created a moose herd which is probably larger now than it has been at any time in the last 30 years, possibly larger than it ever was, even before the white man came.

In addition to protecting elk throughout the State generally by restricting the period of hunting and the number that one may kill, the State nearly 10 years ago created a refuge for elk and other classes of big game south of the Yellowstone Park, covering an area as large as some States in the Union. Our game legislation and enforcement has given us a herd of elk which partly summers in the Yellowstone Park, but wholly winters south of the park, variously estimated at from twenty to thirty-five thousand head.

Mr. McLAUGHLIN. In fixing the area of that refuge did the State include any part of the national forest?

Mr. MONDELL. It is all in the national forest; all of our State refuges so far have been in national forests, because the national forest is the natural game region. The natural game region is the mountains, and the national forests in our State are almost wholly on and in the mountains and the high country. The rough, broken, rocky, timbered country contains game. Even the very high areas near the timber line and above the timber line have some kinds of game. Around the peaks are the sheep and the goats, and lower down the elk and deer.

Mr. McLAUGHLIN. Is the title to any of that same kind of land in the State?

Mr. MONDELL. There are no lands of that kind in our State that are not in forest reserves. It is almost all public land. The game country is mostly within the forest reserves with us, and that is true of most of the States in which there are forest reserves.

The State legislature has at various times prohibited, for varying periods, the taking of game of certain kinds in large areas in various parts of the State—notably the Big Horn Mountains—and thus created game sanctuaries. The last legislature had under consideration the creation of some six or more additional game preserves, but the matter was presented, I am told, so late in the session that it was impossible to secure action. The attitude of the people of our State is favorable to the proper preservation of game and always has been; but, of course, our people want to know where these preserves are

to be and what they are to include, and all that sort of thing. We take a great deal of pride in our great elk herd and in our moose herd, which has grown in numbers so that it is already overflowing the only country in the State where moose thrive—that is, in the high mountain swampy region.

Mr. McLAUGHLIN. Has the State had any difficulty in describing the areas to be included within the game preserves, so that hunters may know exactly where the lines of the preserves are and not be subject to this difficulty that you speak of, namely, chasing the game from free land onto the preserves without knowing it, and so on?

Mr. MONDELL. Our State, in the main, has created sanctuaries or preserves of considerable size. The boundaries of those sanctuaries or preserves are changed from time to time as conditions change, and by making them of considerable size river, mountain, and watershed boundaries can be utilized—natural boundaries, which people recognize. Furthermore, the hunter is always under the same jurisdiction; he may pass to a region where the provisions of law may be different, but he is under the same jurisdiction in or out of the preserve. If he violates the law, he is arrested by the same officers and tried by the same court. The jurisdiction does not change. The status of the territory may change, but the jurisdiction remains the same.

THIS BILL NOT NECESSARY TO COOPERATION.

It is not necessary to have Federal game preserves or infringements by Federal upon State authority in order to secure cooperation between State and Federal authorities on forest reserves in the protection of game. A forest ranger with authority to act as a State deputy game warden, which authority most of them have, can enforce the State law as effectively as he could the Federal statute and with much more certainty and less confusion and friction, because of the fact that the jurisdiction was the same—that of the State over the entire forest area. The State game preserves, to which I have referred, in Wyoming are wholly upon and within forest reserves and the State game officers and the forest reserve officers, acting as State game officers, work in harmony in the care and preservation of game.

In my State every forest ranger, I think, is a game warden. The State pays them a nominal sum—\$1 a year I think it is—and they aid very materially in the enforcement of the State laws. As a matter of fact, we have gotten along very well, I am told, with the forest officials and have welcomed their assistance in that respect. They protect the game without any particular loss of time that might be required in their other work, because they are constantly on the reserves and constantly over the territory where the State game laws operate.

Not only have the States full authority to put in operation, under State control, a system of game refuges; not only have some of the States already adopted this policy, but State legislatures being familiar with every feature and factor of the situation, are capable of legislating more wisely on the subject than the President, depending on the advice of some one, could do. In any event, no policy of fixed and permanent areas within which hunting should be entirely

prohibited would be a wise one. And that is one of the strongest objections to the bill.

The location and boundaries of such areas would need, in order to serve the purposes for which established, to be modified from time to time, and in addition closed seasons or complete prohibition of hunting certain classes of game must from time to time be provided for over much larger areas than should be included in any permanent game refuge. At times it should cover an entire State, as has been provided in Wyoming in the case of moose.

From time to time, in the case of elk, it should cover vast areas, and the same is true in the case of antelope, in order to save, if possible, some of the remaining antelope.

Under certain conditions a shortening of the open season and a limitation of the bag extending over all or a large portion of a State is a much better form of game preservation than the permanent maintenance of small areas in which no hunting is allowed. The State, in full authority in all these matters, is in position to handle the question of game preservation very much better than it could be handled under conflicting attempted State and Federal jurisdiction.

CLAIM THAT STATES WILL NOT ACT.

But, it is argued that the States will not care for and preserve game, and the story of the passing of the buffalo is cited. Anyone who knows anything about the habits of the buffalo knows that its passing, in the face of on-coming and spreading civilization, was inevitable. They can not be preserved, except in comparatively small herds under conditions of semidomestication, except possibly a few in a wild state in a great wilderness region, like that of northwest Wyoming, including the Yellowstone Park and vicinity.

That is the only place where we have maintained a wild buffalo herd and that is possibly the only place in the United States where it could be done, because the mountain area there is large and the territory is comparatively easily protected; but ordinarily buffalo would never be preserved in one of these game preserves. The buffalo is an animal that travels far if allowed to, and must generally be held under fence. The buffalo had to go with the coming of civilization, because civilization brought with it animals worth much more to man; animals which produced much more, considering the grass they consumed. A highly developed beef animal produces infinitely better meat, and more of it, for every pound of food he eats, and can be handled so as to utilize grasses more economically than the buffalo. The buffalo never did utilize grasses economically. Even when most plentiful in that western country they trampled back and forth and destroyed a great deal more grass than they ever ate.

The antelope can not be preserved in the refuges that are proposed for they are all more or less timbered, and the antelope shuns timber. You can not get him anywhere near a place having timber or brush on it.

The larger wild animals always decrease in great numbers during the pioneer and early development period of a country. They have a way of coming back later, particularly the deer, as the boundaries of settlements become fixed and the rougher country less disturbed,

as the professional hunter decreases in number and orderly conditions are established. The wonderful increase in game in the State of Maine has been cited before this committee as an argument for this bill. It is the strongest argument against it. The protection and the increase of game in Pennsylvania has been referred to. The States will and do—those of them who have natural game country within their borders—gradually, sometimes, but certainly in all cases, develop a healthy public sentiment in favor of game preservation, resulting in a reasonable increase of game within their borders. I venture to say that the deer, which at one time no doubt became quite scarce, have for a number of years past been increasing, or at least not decreasing in numbers, in the wooded parts of Wisconsin and Minnesota.

And I think that is also true in Michigan, and our friend, Mr. McLaughlin, knows more about that than I do.

But assuming for the sake of argument that the people of a State were not specially interested in the protection and increase of game within their borders—it is a matter over which they have jurisdiction, according to the courts—why should the Federal Government attempt to invade a domain over which it has no jurisdiction? There are many of the States which have not always given that protection to human life as against mob violence which we think they should, but no one is using that as an argument in favor of the extension of Federal police authority. There are several classes of people who favor this legislation. There are naturalists and game lovers who, never having considered questions of government and jurisdiction and who being impatient because the States do not do everything that they would like to have them do at once, forthwith seek this short-cut of Federal authority.

That has got to be fashionable in these days, not only in this regard but as to other matters. A man gets the impression that a certain community does not travel as fast as he believes it ought to travel in matters within the jurisdiction of the State and the jurisdiction of the local authorities, and he comes down here to Congress and asks his Member of Congress to introduce a bill fixing it all up through Federal legislation. He says "Let the strong hand of the Federal Government do it."

There are good people who, being interested in the preservation of game, favor on general principles the plans proposed in the name of game preservation without indorsing or even taking the trouble to investigate the details of the plan. That is true of some people in my State. They have indorsed this Hornaday plan without knowing fully what it means. They are in favor of game preservation. As I told you the other day, I have never received a communication from a citizen of my State asking me to oppose this bill, but I have received a number of communications asking me to support it, mostly from people who do not fully understand what its effect would be, but support it because they are told it means some help in game preservation; and, second, and more important, that it is claimed that the Federal Government will appropriate for taking care of the game and save us the expense. Some people seem to be willing to sell their State birthright for a very small mess of Federal pottage.

There are Federal officials having to do with forest reserves and matters pertaining to game life who are naturally anxious to broaden

and extend their authority and control. They would never trouble themselves over questions of jurisdiction. They naturally consider Federal control the best. There are certain clubs organized of professional or amateur hunters who want to see game increased and who do not always approve State game regulations who give their assent with or without information to any proposal of the extension of Federal authority.

I know of a few gentlemen who are very anxious for this legislation because they have not been entirely happy over the very strict regulation in regard to elk and other hunting in my State. They actually have the idea that in some way this bill gives the Federal Government control over hunting in the States, which it does not purport to do at all, except that it attempts to prohibit it in certain regions.

Those who favor this legislation and understand it do not ordinarily, publicly, proclaim their reasons, or at least all of them, for advocating the legislation. Many such people desire to break down and destroy completely State jurisdiction and control over game, at least within forest reserves. They know this bill will not do that. They know perfectly well that if only small areas are included in these so-called sanctuaries, as the Federal authority will have no control over the game as it passes from the sanctuaries, their establishment will have little effect on increasing the amount of game in a region which does not have wise State laws enforced by healthy public opinion. Such people ought to know that the friction caused by conflict of Federal and State authority around and in these refuges will tend to weaken rather than strengthen public sentiment in the localities in favor of game preservation. Out of this condition, unless the courts intervene, a general extension of the Federal authority is expected by a considerable number of people.

I want to emphasize that fact. Attention was called the other day to the fact that in the State of Montana, in parts of which there never has been a very good public sentiment in the matter of game preservation, a lot of elk that had strayed from the Yellowstone Park were slaughtered. Yellowstone Park is the largest of our game sanctuaries, but the moment the game went beyond the sanctuary it was under State law. Now, you might increase that sanctuary a few miles by taking in some forest reserves adjacent to it, but you could not extend it over all of the State of Montana; you could not extend it over all the country in the forest reserve, because if you did you would be violating the plain intent, or the proclaimed intent of the bill, and if you did not so extend it over all of the country in which there was game you would not protect the game, but, perhaps, tend to create a sentiment that would give it less protection than now when it ranged outside the sanctuaries.

Mr. JACOWAY. Your argument, then, is that the States can control all of the territory within the State, whereas the Federal Government can only control that part which it owns?

Mr. MONDELL. If the Federal Government can control at all it can control only as a proprietor and through a prohibition against what it alleges to be a trespass. That is the only theory on which you can establish these preserves at all or maintain them. You can not maintain them on any theory that the Federal Government has any control over the game, because the game is not the Government's

property. The Federal Government may go to the limit in the protection of its own property but it can not legislate for the protection of the game, because that is not its property. If it does it at all it does it entirely by indirection.

In conclusion, Mr. Chairman, the proposed legislation deals with a subject over which Congress has no constitutional authority. It attempts to do by indirection what it is generally conceded could not be done by direction. It proposes a plan which would dot western Commonwealths with Federal game principalities and would result in endless conflict of authority. It would subject the citizens of certain western States to the danger of being arrested and taken hundreds of miles from their homes to be tried and sentenced by a Federal court for trifling offenses. It would involve largely increased expenditures by the Federal Government.

If game preservation is sought, it should be sought through proper, legitimate, and constitutional channels. The States are clothed with complete authority to protect game in the manner proposed by this bill, or in any other way. The States have and are showing a growing disposition and inclination for game preservation within reason, as witness the States of Maine, Pennsylvania, and others, and in the region which this bill affects, the States of Colorado and Wyoming. The bill is a bold and brazen attempt to invade State jurisdiction in a matter in which the States have exclusive jurisdiction and in regard to which they are acting with ever-increasing foresight and care.

There is one statement in the bill that I have not referred to, because I did not think it ought to be dignified by an argument. That is the proposition contained in the stump speech of the last session, that all of this is for the purpose of increasing the supply of food—the meat supply of the country. Within certain limits game can be maintained in the rocky, rough, and broken country where domestic animals will not or can not go. The maintenance of that game is a clear gain, because they do consume grasses and shrubbery that domestic animals will not reach. But as soon as you leave that kind of a region, then any increase of wild game in a country that may be advantageously grazed by domestic animals is not an increase in the food supply of the country, but results in a decrease of the food supply of the country to the extent that game consumes forage that would otherwise be consumed by domestic animals, such as sheep and cattle. Such animals produce much more in meat and other products than any sort of wild game produces in proportion to the vegetation they consume. Domestic animals are the final product of centuries of effort in producing the animals that give the greatest and most satisfactory returns for what they receive in the way of sustenance. Therefore, the increase of game in these game preserves beyond a certain point would not result in an increase of the meat supply, but an actual decrease. This illustrates the fallacy of some of the arguments that are advanced in support of the legislation. In our State we have an elk herd estimated at from 20,000 to 35,000 head; we do not know just how many there are. From one-third to a half of them are in the Yellowstone Park during the summer, the balance of them south of the Park; all of them are in the State south of the park in the winter time, the country being too high and snowy for them in the Yellowstone Park during that season. That herd,

or a large part of it, is in territory that could not be advantageously utilized for live stock, although it does encroach somewhat upon territory that might be used by grazing animals. But our people want to maintain that herd as large as it can be reasonably maintained in that territory because they take great pride in it. But it would be very easy to extend the elk herd in Wyoming over territory that is occupied by grazing animals, although I do not assume that is what is intended or proposed by this bill.

Now, gentlemen, do not lose sight of this: The forest reserves of the country are or may be completely grazed. You see in this eastern country a great deal of rough, brushy country which is not utilized for grazing purposes. That sort of thing is practically unknown in our country. Under the conditions that we have, practically everything in the way of feed is utilized, and the stock grazes over all of these reserves except the highest and best parts of them.

I am not opposing this legislation on the theory that it would interfere with live stock; but it could very easily be administered in a way to seriously interfere with the live stock industry, because you can only increase game beyond a certain point by utilizing grasses and herbage that would otherwise be used by sheep and cattle. The best way to preserve game in the western country is to preserve it under the jurisdiction that has control of it. It will be best preserved in that way, and it will be best for everybody that it be preserved in that way. In most of the States a very reasonable amount of effort will result in the establishment of all the reserves and refuges that ought to be established. As a matter of fact, our experience is that in the main we will probably do much better by shortening the hunting or open season in all, or a large portion, of the State from time to time rather than to have certain places where they are not hunted at all at any time. These larger animals are not hunted except for from two weeks to six weeks in the fall, and by shortening the season to two weeks, or occasionally closing it entirely for a series of years, you accomplish the result of allowing your game to increase without the danger of subjecting your citizens to danger of violation of the law relating to a particular territory, the boundaries of which may not be entirely familiar to them.

Gentlemen of the committee, I thank you very much for your attention.

STATEMENT OF MR. R. W. WILLIAMS, ASSISTANT TO THE SOLICITOR, DEPARTMENT OF AGRICULTURE.

MR. WILLIAMS. Mr. Chairman and gentlemen of the committee, I will endeavor to confine my remarks to the question of the constitutionality of this bill. With the policy of the bill the committee will deal as it weighs the relative considerations—

MR. JACOWAY (interposing). I do not know that I state the position of the other members of the committee, but as far as I am concerned—and if the other members do not agree with me they can so state—I believe that all of us recognize that the title to wild game is in the State, and as far as I am concerned I would like to have you address

your argument solely to the proposition of how the Federal Government can control this matter and make these sanctuaries a success.

Mr. WILLIAMS. I will do that. First, however, let me premise by saying that this is not novel legislation. Congress has previously enacted laws for special game sanctuaries in the national forests. For instance, the Wichita game refuge was established by Congress January 24, 1905. (33 Stat., 614.) The language of that act is very similar to the language of the bill now pending before the committee. It authorized the President of the United States to designate such areas in the Wichita Forest Reserve as should, in his opinion, be set aside for the protection of game animals and birds and be recognized as a breeding place therefor. The act then gives power to the Secretary of Agriculture to make regulations to carry out the objects and purposes of the act. Similarly the Grand Canyon game refuge was created by act of June 29, 1906. (34 Stat., 607.) That act follows the Wichita game refuge act almost literally. Then there is the act of June 28, 1906. The President of the United States having previously withdrawn areas of public lands for the use of the Department of Agriculture as breeding grounds for native birds, Congress passed this act, the act of June 28, 1906. (34 Stat., 536.) It is now section 84 of the Penal Code. That act, in substance, is this:

That it shall be unlawful for any person to hunt, trap, capture, willfully disturb, or kill any bird of any kind whatever or take the eggs of such birds on any lands of the United States which have been set apart or reserved as breeding grounds for birds by any law, proclamation, or Executive order, except under such rules and regulations as may be prescribed from time to time by the Secretary of Agriculture.

Then follows section 2 that provides the penalties for any killing of birds and the taking of their eggs on those reservations that were created by Executive order of the President, Congress by this act of 1906 recognizing the right of the President to withdraw public lands for a public purpose, namely, the protection of game and birds. There may be some doubt in the minds of some people as to whether the protection of game and birds is a public purpose, but Congress has dealt with it as such for so long a time that I doubt very much if you could ever persuade any court that it is not now a public purpose.

Mr. JACOWAY. Have any of these acts ever been tested in the courts?

Mr. WILLIAMS. No, sir; but they have been enforced. The act of June 28, 1906, prohibiting the killing of birds on reservations has been enforced, and that question has not been raised.

The issue on this bill is not who owns the birds or the game. It is a mooted question whether migratory birds belong to the State or to the United States, and the migratory bird law is founded upon an entirely different theory from this bill before the committee. The Supreme Court, as Mr. Mondell has said, has set the migratory bird case for rehearing, after having had it under consideration since October 16, last, but a decision upon the migratory bird law, I venture to say, will throw no light upon the issue involved in this bill before the committee. The bill before the committee is predicated not upon the power of the Federal Government to protect game as such, but upon the power of the Federal Government to dispose of and make all needful rules and regulations respecting the territory and other property belonging to the United States. That is the con-

stitutional power conferred upon Congress. The word "territory" in the constitutional provision has been stated by the Supreme Court to mean land. I am not going to cite the decisions of the Supreme Court at any length, because I wish to call the committee's attention to two opinions of Attorney General Knox in which he considered this question exhaustively from beginning to end, and this direct question was before him at the time. In his opinion of November 29, 1901, to the President, the issue, as stated by him, was this:

Mr. Gifford Finchot, of the Bureau of Forestry, in his letter to you accompanying the above note, requests the submission to the Attorney General of the question, in substance, whether for the preservation of the big game of the West the Secretary of the Interior has power to prohibit, by rules and regulations, the killing of such game within the national-forest reserves—in other words, whether he can make such reserves the refuges for game, in order to secure its preservation—and he suggests the inquiry whether the act of June 4, 1897 (30 Stat., 11, 34), confers this power, as it does the power to make rules and regulations in many other respects.

The question before the Attorney General in that case was whether the Secretary of the Interior had the authority under the act of June 4, 1897, which is the forest-administrative act, to forbid hunting in the national forests. The Attorney General considered the question exhaustively—

Mr. REILLY (interposing). Does he mention the Race Horse case or any of those cases?

Mr. WILLIAMS. I do not think he does, but I shall dispose of the Race Horse case. I think I can convincingly show the committee that the Race Horse case has nothing to do with this issue at all.

The Attorney General came to the conclusion in his opinion that the Secretary of the Interior had no such power, because Congress had not given it to him, but he distinctly asserts the right of Congress to give him the power. Quoting from this opinion:

It is true that the United States has the absolute title to and ownership of all the public domain, including the forest reservations; and equally true that this title and ownership carry with them the right of either absolute or partial exclusion from such lands and the right to permit intrusion thereon for such purposes and upon such terms as the owner may prescribe. And I have no doubt that, as incident to such ownership, Congress has the power, if it so chooses, to absolutely prohibit the intrusion of the public into any of the public lands, or to prohibit it for certain purposes, as for cultivation, mining, cutting timber, hunting, fishing, etc. Such right of control and exclusion is incident to the ownership and is a part of that which the owner owns with the land. But it does not follow from this that the Secretary of the Interior may exercise this right of control which resides in the Government and may be exercised by Congress.

He reiterates that again in the closing paragraph in the opinion, where he says:

It is with regret that I reach this conclusion, as I would be glad to find authority for the intervention by the Secretary for the preservation of what is left of the game from wanton or unnecessary destruction, but it would seem that whatever is done in that direction must be done by Congress, which alone has the power.

Mr. Attorney General Knox, in an opinion a year after to Hon. John F. Lacey, who was then, I believe, the chairman of the Public Lands Committee, went into the question somewhat more exhaustively. In that opinion he had some other issues also before him. That opinion of Attorney General Knox is reported in House Document, No. 321, volume 70, Fifty-seventh Congress, first session. It reviews the pertinent decisions of the Supreme Court upon like issues involved in this very bill. He concludes, as he concluded in his

former opinion, that there is no doubt in the world of the power of Congress to control the lands that belong to the Federal Government in any way it sees fit, not as a monarch—by which I assume he means that the United States, or Congress, could not provide any special privileges in any special class of people—but as a trustee for the benefit of all the people alike.

I would urge the committee, since this is a very important question, to examine those opinions of Attorney General Knox, who, himself, I understand, was at that time, if not now, very much interested in the protection of game. As stated, he reluctantly came to the conclusion that the Secretary of the Interior did not have the authority to close the national forests to hunting, but that Congress had; and in this second opinion he maps out, having been requested to do so, the general principles underlying a bill for the protection of game on the national forests. Those suggestions of the Attorney General are in substance followed in this bill, although I may say that at the time the bill was prepared I understand that this opinion was not read in connection with it.

Mr. McLAUGHLIN. What do you mean by that; the opinion had been rendered?

Mr. WILLIAMS. Yes, sir; but I am not informed as to whether the Attorney General's opinion was looked to in the drafting of this bill, but coincidentally it follows pretty closely along the lines suggested by the Attorney General for a bill of this kind.

Mr. JACOWAY. You can leave those pamphlets?

Mr. WILLIAMS. I will leave this copy of the Opinion of the Attorney General, Mr. Chairman. I would request the committee to procure the House report, which contains the other, as heretofore indicated.

Mr. JACOWAY. Is that what you have in your hand?

Mr. WILLIAMS. No, sir. This is a pamphlet containing rules and regulations published some years ago by the Interior Department when they administered the forests and they quote the opinion of the Attorney General in the pamphlet.

Mr. McLAUGHLIN. That contains only the one opinion?

Mr. WILLIAMS. Yes, sir. The first opinion is reported in Twenty-third Opinions of the Attorneys General, page 589.

Mr. McLAUGHLIN. And the other one is a House document?

Mr. WILLIAMS. Yes, sir.

I want to say that Mr. Mondell is absolutely correct when he states that the States have authority over the protection of game. That does not give the State a right to say that you may go upon the land of John Smith and hunt game, for John Smith may say, "I am not going to let you come upon my land to hunt game. I want the birds here; I want them either ornamentally or I want them because they are insectivorous birds and they assist me in my agricultural endeavors." A State can not force any man to permit another to go upon his land and hunt. So the United States, as has been decided in abundant decisions, being the owner of the land, not only has the right of a private proprietor, but it has more than a private proprietor; it may legislate for the protection of its land. Otherwise it would be wholly at the mercy of the State legislatures to protect its land. Now, that does not mean that Congress can pass a law to make it a crime against the United States for a man to commit murder on the public land; not by any means. It has not the right to do that, but it has

the right to so control the lands that belong to the United States as to exclude people therefrom for whatever Congress may see fit. They have done it in regard to the protection of the public timber, water flows, and things of that nature.

I might add here also that Congress has several times, in legislating for the national parks and in creating a specific national park, authorized the Secretary of the Interior to make regulations which will preserve the game and birds within the parks.

MR. MONDELL. Will you permit me to interrupt you right there?

MR. WILLIAMS. Certainly.

MR. MONDELL. I want to call your attention to the fact, with which, of course, you are familiar, that in the case of national parks the States have ceded their jurisdiction.

MR. WILLIAMS. Let me say to Mr. Mondell I think that is quite doubtful.

MR. MONDELL. It is not only not doubtful, but absolutely true. The State of Wyoming ceded jurisdiction over the lands within the Yellowstone Park and the other States have ceded jurisdiction to the Federal Government over the lands contained in the national parks as soon as that legislation could be secured from the legislatures after the parks were established. We passed a bill the other day by unanimous consent accepting the act of the State of Oregon ceding jurisdiction over Crater Lake National Park. A bill has recently been reported accepting the act of the State of Washington ceding jurisdiction over Mount Rainier National Park. Montana has ceded jurisdiction over Glacier National Park. The cession of jurisdiction follows the establishment of a national park. In the case of the Rocky Mountain National Park in Colorado the legislature ceded jurisdiction before the park was established and it was accepted in the bill creating the park.

MR. JACOWAY. That is a very important question, I think.

MR. MONDELL. They are all established with the understanding that there will be a cession of jurisdiction and action generally quickly follows establishment.

MR. JACOWAY. You stated a while ago that you were absolutely certain that all the States in which national parks were located had ceded or surrendered to the Federal Government their rights. Is that correct?

MR. MONDELL. Well, I think perhaps they have not all done so, but in the matter of the more important parks that has been done or is in process of being done. Everyone realizes that such cession is essential to the control the Nation assumes over the national parks. In creating a new national park in California I called attention in the House a few days ago to the fact that section 2 of the act would be absolutely inoperative until the State ceded its jurisdiction, and Mr. Mann concurred in that, and Judge Raker said that the cession of jurisdiction would follow, that the State could not cede jurisdiction until the legislature had met and the Federal Government had described the territory.

DR. HORNADAY. Just a word. Only two weeks ago I put to Dr. Palmer, of the Biological Survey, who follows this matter of the national parks closely, the question: "Is it true that all the States have ceded to the National Government jurisdiction over the national parks that have been created up to this time?" He said, "Up to

this time only 3 of the States had done so out of 16." I said: "What is the longest period that has elapsed before that cession has been made?" He said, "As nearly as I can recall, six years, in one case. Only 3 out of 16 have actually performed that act."

Mr. MONDELL. Where we have any legislation asserting control over the game, the cession has been made.

Mr. WILLIAMS. My understanding, with all deference to Mr. Mondell, is as Dr. Hornaday has stated; but that is wholly immaterial. There is another very serious constitutional question which is raised by that, namely, whether a State can cede to the Federal Government its police power. The only exclusive jurisdiction that the United States has or can acquire over any land inside of a State that I know of is the constitutional power of exclusive jurisdiction over such land as is purchased with the consent of the State for its magazines, forts, arsenals, dock yards, and other needful buildings. There is therefore the constitutional question involved as to whether the State can confer upon Congress the right to protect game. The Supreme Court of the State of Washington has very recently held that it could not do so. (*State v. Towessnute*, 154 Pac., 805.) But that is beside the mark.

No States have ceded any jurisdiction to Congress to set aside the national forests or to regulate grazing and various things on the national forests, and it never has been claimed, with any confidence, that such a cession was necessary.

I will refer here to a decision by Federal Judge Dietrich, of the district of Idaho (*United States v. Regginelli*, 182 Fed., 675), in which he held in an exhaustive opinion and one full of good learning that a regulation of the Secretary of Agriculture prohibiting the locator of a mining claim from selling liquor or conducting a saloon on the mining claim within the boundaries of the national forest was within the power of the Secretary of Agriculture to make, and that the locator of the mine had no right to sell liquor thereon, although it might be perfectly legal elsewhere in the State to sell the liquor.

Mr. JACOWAY. Is not that under the theory that the fee to the mine always rests in the Federal Government?

Mr. WILLIAMS. Yes, sir; I am merely talking now about Congress regulating various things upon lands that belong to the United States. That is true. In that case he decided that the lands belonged to the Government, because the ultimate fee, the reversionary interest in this claim, was still in the United States, and as long as it was the locator of the mine could do nothing upon that land if the Government said he could not, except to develop it as a mine, thereby holding that the Congress could regulate the occupancy and use of even a subsisting mining claim in a national forest and prohibit the sale of liquor thereon if it saw fit, even though the sale of liquor elsewhere in the State was perfectly legal.

The organic act for the creation of the national forests has been held by the Supreme Court to be constitutional in the case of *Fred Light v. The United States* (220 U. S., 523), where the Supreme Court, in sustaining the power of the Secretary of Agriculture to make regulations forbidding a person to permit his cattle to drift over upon the forest, said—I will merely give the substance of the decision on this question:

The United States can prohibit absolutely or fix the terms on which its property may be used, and can withhold or reserve the land indefinitely, and this without the consent of the State in which it is situated.

The confusion that arises in the consideration of the question involved in this bill now before the committee grows out of the Race Horse case and the Geer case. I should like to state to the committee very briefly just what those cases involve.

Mr. JACOWAY. It constitutes who shall exercise jurisdiction over a crime or misdemeanor?

Mr. WILLIAMS. That the State may regulate the hunting of game.

Mr. JACOWAY. Both of those cases were not upon that point?

Mr. WILLIAMS. Yes, sir. That does not mean that the State can give a man the right to go upon your land and hunt game.

Mr. MONDELL. Has anyone contended for any such right anywhere at any time?

Mr. WILLIAMS. Such is the effect of claims that have been made.

Mr. MONDELL. You say that it does not give the State the right to allow people to go on land contrary to the will of the owners. No one has contended anywhere at any time that the State had any such right. That is not a question involved.

Mr. WILLIAMS. How can you contend, then, that the State has the right to put people upon the Federal lands?

Mr. MONDELL. Nobody has suggested that the State has that right on Federal lands.

Mr. WILLIAMS. I understand you to say that Congress has not the right to close these areas and prohibit people from hunting on them, and that this bill proposes to do so.

Mr. MONDELL. That is a very different proposition. They are asserting that the Secretary of Agriculture claims that the State has the right to send people onto the land?

Mr. WILLIAMS. I did not mean to say that.

Mr. MONDELL. You said that two or three times.

Mr. WILLIAMS. That is the inevitable result of the claim that is made. If you say that the Federal Government has not the right to prohibit people going on Federal land to hunt game then it must follow that they have the right to go on there to hunt game. Is not that the inevitable conclusion? It would certainly seem so to me.

Mr. JACOWAY. You stated a while ago, as near as I can use your exact language, "I concede the position taken by Mr. Mondell in which he asserts that the States have complete jurisdiction over the game of the State."

Mr. WILLIAMS. The protection of the game of the State; that is absolutely true.

Mr. JACOWAY. That is what you meant?

Mr. WILLIAMS. Yes, sir.

Mr. JACOWAY. Then, in order to carry out the provisions of this bill, as I understand, the only way you would get control is for the Government to say, "This dominion here is Federal Government land, and we will prohibit trespass upon it, without any intention whatever to exercise any jurisdiction over that which the State now owns, to wit, the game." Is that your opinion?

Mr. WILLIAMS. If you mean that the fee simple relates to the land——

Mr. JACOWAY. No; I am talking about game.

Mr. WILLIAMS. Yes——

Mr. JACOWAY. If that is so, do you concede that the Federal Government in attempting to control these sanctuaries is doing something indirectly that it can not do directly?

Mr. WILLIAMS. No; I do not concede that at all. I will tell you why. When I say that the State has complete jurisdiction over the protection of game I mean that the State can prescribe the seasons in which the game may be killed or may not be killed within the borders of the State, including the land of the United States. It may say, "This is the open season" and "This is the closed season," and nobody has the right to kill game contrary to the seasons.

Mr. REILLY. The State regulations might say that you could kill game on all the public land in July and the United States might come along and say, "You can not kill it on this land."

Mr. WILLIAMS. Absolutely.

Mr. REILLY. The State has not absolute control of the game question?

Mr. WILLIAMS. Yes, sir.

Mr. REILLY. It is limited?

Mr. WILLIAMS. No, sir.

Mr. REILLY. When the United States does not stop it, that is all?

Mr. WILLIAMS. When the United States does not stop it, yes, sir; it has full control of the game, so far as prescribing the seasons, but it has not complete control over the game on your land in your State so as to say that a man may go upon your land in July and kill game when you say you do not want him to do so.

Mr. REILLY. That is true. Your own State has control subject to the right of the individual?

Mr. WILLIAMS. That is the issue precisely.

Mr. REILLY. The State also has control subject to the right of the United States to come in and say "You shall not hunt on these lands?"

Mr. WILLIAMS. Exactly.

Mr. REILLY. From your study of the case, is there any difference between the ownership of the individual and of the United States?

Mr. WILLIAMS. The only difference is that the ownership of the United States is more complete than the ownership of the individual, because Congress can legislate for the protection or for the administration of the public lands, while the individual proprietor is dependent upon the action of the legislature for protection of his lands from criminal trespass.

Mr. REILLY. And that is where you and Mr. Mondell differ?

Mr. WILLIAMS. Yes, sir.

Mr. REILLY. Mr. Mondell claims that there is a limitation upon the United States that is not on the individual?

Mr. WILLIAMS. As to game.

Mr. MONDELL. I do not think that I said there was a limitation on the ownership of the United States that was not on the individual, although that is true. It has been held by the courts, but not in matters affected by this bill, that the authority of the Federal Government, within certain lines, is broader than that of the individual. The individual can prevent trespass and injury to his property under State law. He can compel a party to get off or to remain off his land, but he can not prescribe the punishment for the trespass

if he goes on. Now, the Federal Government, the courts have said, may prescribe the punishment for trespass on or the injury of its property, but when the Federal Government provides punishment for the killing of game, it is not providing a punishment for the protection of its property, it is attempting to legislate touching property of the people under the control of the State.

Mr. JACOWAY. Is it your position that the Federal Government has at all times the right to exercise this jurisdiction claimed by you, but that it is held in abeyance until it sees proper to exercise it?

Mr. WILLIAMS. Exactly; and until Congress acts, of course, a man may go upon the public land and hunt just as they used to go on the public land and graze their cattle until Congress said, "You must not do it, unless you comply with the regulations of the Secretary."

Mr. JACOWAY. In the grazing proposition the Government owned the land and the grass?

Mr. WILLIAMS. Yes, sir.

Mr. JACOWAY. But in this case it does not own the wild game?

Mr. WILLIAMS. I will not say that it does not own the wild migratory game, for this reason: As I tell you, that question is involved in the migratory-bird law at the present time, and whatever my individual opinion may be about that, I can say to you that there are a great many able lawyers all over this country who are of the opinion that the title to the wild migratory game and birds is in the United States. So that is not a foreclosed question, and the Supreme Court evidently is very much in doubt about the question, because, after considering the matter for about five months, they have restored the case to the docket for reargument.

Mr. REILLY. Do you not think you should qualify that statement by stating that the Government has absolute and complete control over the game within its limits?

Mr. WILLIAMS. Every general statement necessarily must be somewhat qualified, because there are always other considerations—

Mr. REILLY (interposing). Is it not true that the State has absolute control of the game within its own limits, and can legislate with regard to the game within its own territory?

Mr. WILLIAMS. That is the proposition, precisely, and that is what I mean to say. Of course, I do not mean to say that the right exists to permit B to go upon a private individual's land and hunt on that land whenever he sees fit, because the private individual may say he will not have B hunt on his land at all. I think that while the United States may exclude people from its land for the purpose of hunting game it can not confer upon an individual the right to hunt upon those lands at any time or in any manner prohibited by State law. The regulations issued under the statute of 1906, which I read to you, make it an offense to kill birds or take their eggs on Federal bird preserves created by Executive order. In that act there is a provision that the Secretary of Agriculture may make rules and regulations for the administration of those preserves, and the department has made a regulation permitting the agents of the Department of Agriculture, and collaborators with the Department of Agriculture, to take birds on these preserves for the uses of the department, for scientific purposes, consistent with the laws of the State in which the preserve is situated. In other words, the Secretary does not claim that he has any right to say that a man may go upon a Federal bird

preserve and kill woodcock if the State has said that woodcock shall not be killed for 10 years.

Mr. REILLY. Then you claim that the United States Government has the right to interfere only as to making the closed season longer and that it can not interfere with the open season at all?

Mr. WILLIAMS. That is it exactly.

Mr. REILLY. I do not see any reason for that distinction.

Mr. WILLIAMS. It is the same distinction that is made with regard to the private owner. He has the right to say that you may come upon his land and hunt for six months, even though the State has prescribed that you may hunt for nine months in the State. You would not have the right to go upon that man's land and hunt for more than six months if he so decreed, even though the State law permitted hunting for nine months. The public lands in these national forests are the property of the United States in much the same sense that the property of an individual is his property, and the United States may regulate the disposition and the use of them in any way that it sees fit.

Mr. JACOWAY. You can carve out a smaller period, but you can not carve out a period greater than the whole period prescribed by the State.

Mr. WILLIAMS. Exactly. If the State says that a man may hunt deer for six months in the year the owner of the land may say, "I will let John Smith hunt deer on my land for three months in the year." He has a perfect right to do that or he has the right to say, "I will not let him come here at all to hunt," or he has the right to say, "I will let him hunt on my land for the full six months." And that is all in the world that this bill claims and it is all the jurisdiction that the Federal Government is asserting in this bill. It is the same jurisdiction that is asserted, as I have cited to the committee, in previous acts of Congress.

Mr. REILLY. Then your claim is that the bill is along the line of assisting the States in conserving the game or controlling it?

Mr. WILLIAMS. Yes, sir. Now, whether it is a wise thing for the Federal Government to do this or whether it ought to be left to the States to do this is another question. I agree with Mr. Mondell that any State in this Union can draw a ring around the public lands of the United States and make them a game sanctuary. Why? Not on any theory that the State has exclusive jurisdiction over that land for the protection of the game but on the theory that it has jurisdiction over the protection of game as such and it can forbid the shooting of game in any section of the State that it sees fit, on the public lands if it sees fit to do so; but that does not negative the power in Congress to say also, "You shall not hunt any game on certain designated areas of public lands."

Mr. JACOWAY. In your judgment could the State say it was going to prosecute you for trespassing on the public lands?

Mr. WILLIAMS. No; it would say, "We will prosecute you for killing a bird." That is all. And I doubt not—I may be incorrect about it—that the Federal Government could go into the State courts and prosecute a man for trespass on the public lands if there was any State law forbidding him to trespass upon another's land. But, of course, those cases are always brought in the Federal courts.

Mr. JACOWAY. That is one of the cases where there is a choice of two jurisdictions.

Mr. WILLIAMS. Yes, sir.

Mr. JACOWAY. And there are lots of those cases.

Mr. WILLIAMS. Yes. The State has the undoubted right to say that the game within the State shall be shot during certain periods of the year or that it shall not be shot during certain periods of the year or during several years, and such a law would be operative over the public lands of the United States, and nobody can go in there to hunt otherwise than in accordance with those provisions. The Federal Government may say that a man may go there, but that he shall not violate the State laws. Or it may say what any private individual has the right to say with regard to his land, "You can not go on these lands to hunt, because we do not want any hunting on these lands."

Mr. REILLY. The United States simply has the right to make that closed season closer?

Mr. WILLIAMS. It has the right to say that you shall not come on there to hunt at all at any season of the year.

Mr. REILLY. It could also say, if the State permits hunting for six months, that a man can only hunt on the lands for three months?

Mr. WILLIAMS. Yes, sir.

Mr. REILLY. In other words, the United States Government only has the right to make that closed season closer?

Mr. WILLIAMS. Yes, sir; that is right. The Secretary of Agriculture in making rules and regulations under this bill, if it is enacted, may say that a person might go upon these sanctuaries in the forest reserves to hunt for half of the period prescribed by the State law, and a man would have the right to go in there and hunt for that period and for no longer. I want to impress upon the committee again that I do not claim that Congress can say to anybody that they may go upon the public lands and hunt game during the closed season prescribed by the State law. To that extent the State law is supreme and there is no question about that. This bill does not attempt to do anything like that; if this bill should be passed our regulations will have to be fitted in with the State laws; we can not allow anything greater than the State laws allow, and that is the whole theory of this Federal regulation of the protection of game.

Mr. McLAUGHLIN. It is conceded, I believe, that the Federal Government has the right to do anything that is necessary for the protection of the national forests?

Mr. WILLIAMS. Yes, sir.

Mr. McLAUGHLIN. Or the public domain?

Mr. WILLIAMS. Yes, sir.

Mr. McLAUGHLIN. Would it be reasonable to say that the Government ought to have the right to protect the game, that the game is just as much necessary for a proper park as trees and grass?

Mr. WILLIAMS. Absolutely so.

Mr. ELLIOTT. The general welfare?

Mr. WILLIAMS. No; the general welfare has nothing to do with it at all.

Mr. JACOWAY. Have you embodied in your remarks all that you want to say?

Mr. WILLIAMS. I think I have stated all that I desire to state to the committee.

Mr. JACOWAY. If not, we want you to go ahead, but we have some other gentlemen who desire to be heard.

Mr. WILLIAMS. I merely want to add this in closing, that the Supreme Court of the United States has practically ruled, in the Mid-West Oil decision (236 U. S., 459), upon the right of the President to withdraw from entry under the public land laws certain areas of land for the purpose of protecting the birds on there. In other words, the Supreme Court has practically ruled upon the validity of the act of June 28, 1906, forbidding the killing of any birds on these lands of the United States set aside for the use of the Department of Agriculture.

Mr. JACOWAY. Is not this the turning point in all of those cases: That the Government reserves the fee in those lands and that the fee never passes from the Federal Government to the lessees?

Mr. WILLIAMS. Absolutely, and it may control that fee.

Mr. JACOWAY. But the ownership to the birds and wild animals is in the States, according to your contention?

Mr. WILLIAMS. No; all of the decisions of the courts say that such property as exists in wild things flying through the air is in the legislature of the State in trust for the benefit of the citizens of that State, and it may, under its police power, regulate the killing or capturing of them as it sees fit.

There is no property question in game involved in this at all. This bill is not predicated upon any property in wild game being in the United States, but it is predicated upon the property in the public lands being in the United States, and it has the right, like an individual has the right, to say "No one shall come upon these lands for certain specific purposes." But even the right of ownership of land is subject to the power of the State, to its power of eminent domain, the power to send officers of the law in there to stop riots and things of that kind.

Those are necessary limitations upon the individual's right, but he may say that no man may go upon his land to hunt if he wants to do so. There are statutes in every State, I suppose, prohibiting people from going upon private land if the owner posts a notice forbidding trespass. But the idea of the fee being in the United States, as regards the public lands, really has no bearing upon the question of whether there is any property in the United States as to wild birds. Congress is not legislating about this thing on the theory that it has any right to legislate solely for the protection of the game as such, but it is on the theory that it has the right to control the lands of the United States for such purposes as it sees fit, and that it has that power is so abundantly shown in the decisions of the Supreme Court that I do not see how the committee could come to any other conclusion than that Congress has the right, not only that it is proposing to assert now, but that it has already actually asserted, as I pointed out in my opening remarks.

I am very much obliged to the committee.

STATEMENT OF DR. WILLIAM T. HORNADAY.

The CHAIRMAN. We will now hear from Dr. William T. Hornaday, of New York. Doctor, won't you please state to the committee something about your position, and the nature and extent of your interest in wild animals.

Dr. HORNADAY. With pleasure, Mr. Chairman. Officially I am the director of the New York Zoological Park, which is under the management of the New York Zoological Society. One of the declared objects of that society is the protection of our native animals, and during the whole of my 20 years in the service of the society I have been active in that work. For all that work, however, I receive no extra compensation. Even if the Chamberlain-Hayden bill should become a law, and 100 game sanctuaries were made by it, it would not benefit my personal fortunes by so much as the price of a good cigar. My Vanishing Wild Life book was furnished to all Members of Congress in 1912, by the Zoological Society.

The CHAIRMAN. As I understand it, in this particular matter you are acting for a number of philanthropic persons who desire the perpetuation of our wild life.

Dr. HORNADAY. Precisely. I particularly represent the 70 persons who have created what is known as the permanent wild life protection fund, and that fund is defraying all the expenses of my efforts in behalf of the game sanctuary cause. It was that fund which made possible my trip westward last September and October, in the course of which I visited and lectured in every State west of the Great Plains except Nevada, which I was unable to reach.

This proposal for game sanctuaries in national forests is by no means a new idea. No one can say who first thought of it, or who first proposed it. I think that the idea is as old as the first national forest. We do know that since 1902 several bills have been introduced in Congress to provide game refuges in national forests, and perhaps it is well to state why all of them have failed. In my opinion they failed to make progress because they were too brief, and too indefinite. They left entirely too much to executive discretion; and more important than all else, they failed to take into account the grazing and agricultural interests, and the interests of the States concerned.

In framing the bill now before you, the half dozen gentlemen concerned in it endeavored to avoid the mistakes of previous bills. They endeavored to be absolutely specific in practically everything, and provide for a clear understanding. They took care of the interests of the sheep and cattle owners, and they did it so well that instead of now opposing us, the sheep and cattle men are our friends. We provided that the governor of each State concerned should have an absolute check upon every sanctuary proposal, by which he can amply protect the interests of his State.

In planning my own campaign for this cause, it at once became evident to me that this is largely a western proposition, because the bulk of the national forests are west of the Great Plains. It seemed to me that the question of "to be or not to be" is one to be decided by the people of the West; and it was because of that feeling that I finally spent seven weeks in a long and laborious trip westward,

in which I met many representative men and women face to face. In each one of my 23 addresses I said:

This is a question to be decided by the people of the West. Do you wish these game sanctuaries, or not? If you say that you do not, I, for one, will drop the whole matter instantly.

Mr. Chairman, the most thoroughly representative people of the West have said that they do desire these sanctuaries. To save busy Members of Congress from being burdened by a vast number of letters requiring answers, I devised a new plan. The friends of this cause circulated cards stating the terms of this game sanctuary plan, and inviting declarations in writing of approval and support. I did not circulate those cards myself; not at all. I handed them out in bulk. Recently I have placed in the hands of all the Members of both Houses of Congress my red Bulletin No. 2, stating the whole case, and giving, State by State, the names and addresses of the representative men and women who believe that the Chamberlain-Hayden bill should be translated into statute law.

The millions of people in the East who believe in game sanctuaries—and are making them just as fast as they can—have not been asked to come forward and rush this cause through without regard to the views of the people of the West. The support that I am now offering you in behalf of the Hayden bill is distinctly and almost wholly western support, from the States in which the largest national forests are located.

Mr. Chairman and gentlemen, going back to the remarks of the gentleman from Wyoming, I am proud and thankful to say that the United States Government has done much in the setting aside of bird sanctuaries and game preserves for the preservation of wild life in this country; and up to this time we have yet to hear of a single case wherein the United States Government has been asked to undo any of those acts.

It is quite true that a good many bird sanctuaries have been created, as Mr. Mondell has said. And what are they, and of what do they consist?

On one hand they consist of outlying islands on our seacoasts, uninhabited and unusable, and on the other hand, a very, very small number of interior lakes, the total number of which is exceedingly small, that constitute important resting places and breeding grounds for migratory wild fowl. Now, it may be that something calamitous will occur to the people of this Nation on account of the establishment of the wild-bird sanctuaries that have been established in this horrible, this nefarious way, but we await the arrival of such a catastrophe with entire complaisance. Any city that gives up any part of its public parks for commercial purposes would nowadays be considered on the decline, and the time never will come when the United States Government, or in my opinion, any State government, will be called upon to yield up to commercial purposes any one of its bird sanctuaries, or its national parks, or game preserves.

I propose to treat this whole question wholly as a matter of expediency. I am perfectly satisfied, and even delighted, with the presentation of our side of the case which Solicitor Williams has made. It seems to me to leave nothing to be desired. The whole question hinges on whether or not the United States Government

may be penalized as an owner of public lands, any more than a private individual.

We have assumed that the United States Government has as much right to own land, and as much right in the land that it owns, as any private individual. There is no man who for one moment will question the right of any individual in any State to inclose his land, either with a fence or line, and say, "This is a game preserve, in which no killing shall be done." Mr. Williams has well pointed out to you the fact that the Government is not seeking to regulate the killing of game in national parks. Gentlemen, the Hayden bill is a constructive proposition, and not a destructive proposition. If it were destructive, if it were in any sense providing for the further slaughter of any game, I would not be here to-day. I am sick and tired of trying to provide game to-day for sportsmen to go out en masse and slaughter to-morrow. I am seeking to be the humble means of putting before Congress the wishes of the people of the West in regard to this matter.

After 30 years of more or less constant devotion to the study of the interests of the wild life of our Nation, and to efforts to promote the interests of our wild life, not only for the people of to-day but for posterity, I am obliged to say that my information and my impressions regarding the status of big game at this moment, in all the States west of the Great Plains, and the impending future of that game, are entirely opposed to the impressions of the gentleman from Wyoming.

Mr. Mondell says that the game is increasing in many of the Western States. Now, I have just completed a tour of all the States west of the Great Plains except the State of Nevada. I have talked with State game commissioners, State game wardens, State officials, members of sportsmen's clubs, hunters who are not members of sportsmen's clubs, and with friends of wild life everywhere. Gentlemen, let me assure you that the people of the West do not share Mr. Mondell's optimistic views regarding the status of game in the West. I can not point to a single State in which I was informed that game was increasing. I believe that the only instances in which big game in the West is really increasing on public lands are those in national parks and preserves. It is quite true that Wyoming has preserved the elk, but it has been solely through the medium of a national park, which is a Federal game preserve. If it had not been for the Yellowstone National Park—

Mr. MONDELL (interposing). Of course, we do not agree to that. We deny the accuracy of that sort of statement.

Dr. HORNADAY. I know you do, but I am stating my point of view. I say to this committee that had it not been for the Yellowstone National Park as a Federal game preserve and a breeding ground for elk, there would not be one living elk in Wyoming to-day. I think I could submit to you, if it were necessary, the facts to bear out that assertion. What did Wyoming do with the Big—

Mr. MONDELL (interposing). We still have elk in the Big Horn, and in the Medicine Bow, which are from 200 to 400 miles away from the Yellowstone National Park.

Dr. HORNADAY. I was just going to speak of the Big Horn. The big game of the Big Horn Mountains was absolutely exterminated,

and no elk remained there; and then what happened? They brought in some elk from the Yellowstone National Park, and restocked it.

Mr. MONDELL. Not from the Yellowstone National Park, but from Jacksons Hole.

Dr. HORNADAY. Well, it was from the Yellowstone herd. I am glad you mentioned that. The Big Horn Mountains furnish one of my object lessons. The State of Wyoming permitted the extermination of the Big Horn elk, and there was nothing left there at all. That shows how well the State of Wyoming has preserved its wild game.

Mr. MONDELL. Mr. Hornaday, will you allow me to interject into your remarks a statement to the effect that I know as a matter of personal knowledge that the elk never were entirely exterminated from the Big Horn Mountains.

Dr. HORNADAY. Well, all I can say to that is that I was informed for years that no elk remained in the Big Horn Mountains. I never went there to see. I accepted the statements of men of Wyoming. Now, that is what happened. I think that even Mr. Mondell will admit that the elk of the Big Horn Mountains were reduced practically to the point of extermination.

Mr. MONDELL. The herd was very greatly reduced, as is usually the case in the first years of settlement of country like that, when everybody is carrying a rifle. It always happens that way.

Dr. HORNADAY. Now, that very same thing would have happened to the elk of the Yellowstone National Park but for that national breeding ground in which those elk could bear and rear their young absolutely unmolested. What happens when those Yellowstone elk go over into Idaho in the fall? They are met with a fusilade of rifle shots as they struggle through the snow. I know an instance of a whole herd having been exterminated in two days. You have all heard of those that recently went north into Montana, and what happened when they got there.

Now, that is the spirit of the West; and that is what is making all this trouble. The State legislatures alone can not cope with that spirit. The State legislatures, throughout the entire West, are largely under the influence of the men who hunt big game; and when it comes to enacting legislation for the protection of big game, the sportsmen go to the legislatures, in representative bodies, and say, for example, "No; we do not want you to put a 10-year closed season on the big-horn sheep. We think there are enough big horn yet, and we can continue to hunt them." Those legislatures are very often afraid to act contrary to the suggestions of the sportsmen. That is perfectly understandable. The men of the West have come up with the feeling that the game will always last. For 40 years that was the feeling there—that there was so much game that it would always last.

But let us come back to the State of Wyoming. I hunted sheep and elk in the Shoshone Mountains in 1889, and if I went there now I would not find elk or sheep within 50 miles of my old hunting-ground—to put it at a low figure. The people of Cody are lying awake nights, Mr. Mondell, trying to think of a way by which they can get elk around through the Thoroughfare country into the Shoshone Mountains. I have had plenty of correspondence with the men of Cody who are wrestling with that problem. The country

there is almost destitute of big game. The hunters north of Cody have to go south of the Yellowstone National Park to hunt elk.

Several men whom I know, and of whom I was one for four years, have been petitioning and begging the legislature of Wyoming to give the remnant of the mountain sheep of that State a 5 or 10 year close season, so that they will not become exterminated. Three years ago one of the best guides in the State of Wyoming, of the firm of Frost & Richards, was in my office, and we discussed the problem and the prospects of the mountain sheep in Wyoming. He said, "If any of your friends want to hunt mountain sheep in Wyoming they had better be coming pretty soon." I said, "How many mountain sheep do you believe there are on grounds that can be hunted in the State of Wyoming to-day?" He said, "Well, there are not very many." I pressed him for a definite answer; I asked him to name a figure and finally he said, "I do not believe there are over 100." Now, that was a guide from Cody.

MR. MONDELL. Mr. Frost was seeking a job.

DR. HORNADAY. Up to this moment the State of Wyoming maintains the right to hunt her pitiful amount of mountain sheep, and I fear the legislature will maintain it until the last sheep is dead. Now, that is what it means to influence western legislatures in these States. The State of Washington is doing the very same thing. Last year we did persuade the Legislature of Montana to put a three-year closed season on mountain sheep and goats. Montana is now almost destitute of mountain sheep and goats.

MR. MONDELL. Dr. Hornaday, in view of what our State has done in the matter of moose and elk, it can not be possible that the legislature would not respond to any reasonable request for a close season on mountain sheep. I am not familiar with just the character of the requests that have been made, but I do know the frame of mind of the people of my State.

DR. HORNADAY. I will say to the gentleman from Wyoming for his information that last winter and two years before that I sent to each member of the Legislature of Wyoming and to the governor of the State a special petition in behalf of the better protection of the mountain sheep by a long close season. I did that myself. I put the matter before a number of sportsmen of Wyoming, particularly of Sheridan, and the association of sportsmen at Wolf, and they did the same thing, but all to no purpose.

MR. MONDELL. That proposition has never come to Congress, of course.

DR. HORNADAY. Mr. Mondell has mentioned the moose of Wyoming. I am very glad to be reminded of that. It is a very useful object lesson. About 10 years ago it was discovered that there were moose in the southwestern corner of the Yellowstone National Park. It was counted as a fine discovery, because everybody thought they were extinct. But they were breeding in that sheltered corner of the Yellowstone National Park, from which they did not migrate at that time.

MR. MONDELL. Dr. Hornaday, have you ever been there personally? Have you ever been in that region? Are you speaking from personal knowledge?

Dr. HORNADAY. No, sir; I am speaking from the testimony of Mr. George Shiras, 3d, who has been over every portion of that section of the country. He knows a good deal more about it than any other man living.

Mr. MONDELL. George Shiras went into that country at my suggestion. I told him of the moose along the upper Yellowstone River in and south of the park, and how the State of Wyoming had been protecting them. Wyoming had been protecting the herd for years before Mr. Shiras went there at my suggestion. I know that country thoroughly. I have been over it frequently, and most of the moose in that region and most of that moose country is in the part of the State of Wyoming south of the park. I am surprised to hear it suggested Mr. Shiras or anyone made a discovery of moose in that section 10 years ago. We have known they were there and protected them.

Mr. JACOWAY. Mr. Mondell, suppose you let Dr. Hornaday finish his remarks, and then we will give you another chance.

Dr. HORNADAY. I was proceeding to say that the moose were discovered in the southwestern corner of the Yellowstone National Park. That was the first information that came to me. I followed that up subsequently by every means in my power. Of course it is possible that some of my information was wrong. It would be strange if it were not.

I have become anxious to see the moose become a permanent resident of the Yellowstone National Park. Mr. Shiras made an extensive exploration for moose about three years ago, and most of his work was done in the Yellowstone National Park. His articles were published in Forest and Stream, all of which is a matter of record. Now, the moose have increased and spread into State territory outside of the Yellowstone National Park, and, more is the pity, the State of Wyoming has recently granted an open season on that remnant of moose. In my opinion it is little short of crime to make war upon that little herd of moose there, where they are struggling against extermination, simply in the name of "sport."

Mr. MONDELL. At the request of eastern sportsmen they allowed the killing of 50 moose in one year.

Dr. HORNADAY. I do not believe that any eastern sportsman worthy of the name ever preferred such a request. If one has ever done so, I would like to have his name.

Now, take another State, the State of Colorado. Colorado has been for years quite a good game-protecting State. She had in the first instance a magnificent stock of big game. It included practically all species of big game common to the West, both of the mountains and the plains, and what is the situation to-day?

I remember that in 1900 the question of the deer as a food supply was brought to my attention by the slaughter of about 8,000 black-tail deer for food in Routt County. Now, 8,000 blacktail deer made a pretty good item in the food supply of that portion of Colorado in that year. But what is the case to-day in Colorado in regard to hunting big game?

The big game species of Colorado have so completely disappeared, as game to be hunted, that to-day the State game commissioner, Mr. W. B. Frazer, publishes the fact that there is "no open season on deer, elk, mountain sheep, antelopes, wild turkey, quail, or pheasants,"

The buffalo is not mentioned, because the buffalo was completely exterminated, long ago. Nothing remains to hunt in the State of Colorado except the mere dregs and remnants of bird life and small mammals.

Gentlemen, the State of Colorado is not a solitary exception. I wish to Heaven it were. Conditions are all too nearly the same throughout the other States of the West, on the other side of the Great Plains. Down in the State of New Mexico the New Mexico State Game Protective Association, which contains a total membership of about 1,000 wide-awake men, in nine different local organizations, has declared in its formal proceedings that if this Hayden bill does not become a law they believe it will be necessary to stop all deer hunting in the State of New Mexico in order to save the species from extermination. In the Carson National Forests of New Mexico, where there are a million acres of land available for deer, the hunters found last year, in the season for deer hunting, exactly eight deer that they could kill according to law. They ought to have found 2,000 in that area.

Up in the State of Washington the same conditions prevail. If ever there was a body of men that ever became thoroughly aroused on a subject like this, it is the game wardens, the game commissioners, and leading sportsmen of the State of Washington, especially centering at Spokane. They have sent to their Senators and Representatives in Congress some very strong, and even stern, recommendations in regard to this matter, demanding in unequivocal terms the passage of the Chamberlain-Hayden bill as a means of saving their remnants of big game and of restocking their forests.

The CHAIRMAN. What is your view of conditions in my State, Arkansas?

Dr. HORNADAY. The State of Arkansas needs several game sanctuaries, and needs them very much indeed. If this bill becomes a law I strongly urge the making of three sanctuaries in the Arkansas National Forest and three in the Ozark National Forest, no matter how small some of them may be. In addition to that, I think that the State owes it to the Nation to make a State game sanctuary in the great feeding grounds and nesting grounds for ducks known as the Sunk Lands, in the northeastern corner of the State.

It is high time for Arkansas to be thinking seriously about perpetuating her game for the benefit of her people—to-day, to-morrow, and a hundred years hence.

The wild-life laws of Arkansas, like those of every other State in the Union, always have been too liberal to the hunters of game and too hard upon the game. They have borne especially hard upon the waterfowl. About four years ago—possibly it was five—a well-organized and very determined effort, headed by Mr. E. A. McIlhenny, of Louisiana, was made to correct the whole situation and properly conserve the game of the State. A new code of game laws was drafted and put before the legislature. Good men and good newspapers in Arkansas strongly urged its enactment into statute law. But, as so often has happened in other States, the majority in the legislature was heedless and indifferent, and the whole campaign ended in a dismal and disappointing failure. A great opportunity was lost.

I am not going to speak much longer, gentlemen, but I do wish to say this: I regard this measure as virtually the last call for bringing back and maintaining a real supply of big game in the national forest States. Throughout my long western trip last fall the feeling that prevailed among the men whom I met who are interested in this subject was universal pessimism. In the State of Idaho, for instance, at Pocatello, a leading citizen said, hopelessly:

"Oh, what is the use? The game is just as good as gone already, and there is no use in trying to save it. What is the use?"

I know that the only way to really bring back to the States of the West a good supply of big game, and maintain it on a basis of legitimate sport, is for the Federal Government to step in and do what the States have not done and can not do.

On one hand the trouble is with the old spirit of killing as long as there is any game left to kill, and on the other hand it lies in the State legislatures, which do not wish to antagonize large bodies of State sportsmen. That is only natural, perfectly natural.

In every State that contains game, without any exception so far as I know, there is now no increase in big game except in actual game preserves. The State of Maine, which was supposed to be impregnable so far as the supply of deer is concerned, now reports through Maine sportsmen that the deer of Maine are rapidly decreasing. We once thought that the laws of the State of New York were so good that we would always have a fine supply of game in the Adirondacks. The count of the deer seen in the Adirondacks last year revealed the fact that we have only a fraction of what we supposed we had.

In the face of that situation, what is going on in New York? What is happening, on the one hand, among the people who kill and, on the other hand, in the legislatures of our States?

The guides of the Adirondacks are insisting that "the buck law," which provides that no female deer shall be killed, shall be repealed, and that the killing of female deer shall be made legal. That idea started as soon as the buck law was placed on the statute books, and it has persisted ever since. It culminated at the last session of the New York Legislature, and I assure you that it would be difficult to describe the vigor and determination of those guides in their attempts to bring back the killing of female deer for sport. We had a tremendous fight in the last legislature. The cause of the deer was championed by every important wild-life protective association in the State of New York; and that means a good deal. I will not take up your time in giving the names of the national and State organizations who sent their officers to the legislature to fight the Kasson bill. After a great hearing we were told by a joint committee of the two houses that the Kasson bill was dead. The champions of the deer made such a good showing that everybody thought the bill was dead. And then what happened?

The politicians got busy; and when politics enters into wild-life protection, we get beaten. The first thing we knew that bill was quietly slipped through the assembly; but when it came to the senate it was beaten by a good majority. That was on the day before the session closed. We thought everything was safe; but in one of the last hours of the session the speaker of the assembly came down from his high office, put on his gum shoes, trailed over to the

senate, and secured the reconsideration and passage of that odious Kasson bill.

Mr. ELLIOTT. And then what happened?

Dr. HORNADAY. They had a "quick roll-call"; and the report of the clerk showed 48 men out of 50 as having voted for the bill. Only 6 of those 48 would testify that they had voted for it. A number of senators said they did not know the bill had been brought up at all. One senator, whom I know very well, was asleep in his hotel when the bill was passed, but he was marked as voting "aye."

After that there was just one recourse—the governor of the State. We made representations to Gov. Whitman, and in a ringing message he vetoed that bill. New York State was saved the disgrace of putting such a law upon the statute books. But it was not due to the legislature. Ordinarily in wild-life protection the legislature of the State of New York is not only as good as the best, but very often it is better. But that is one time wherein they went back on their good record.

Now, if I thought for a moment that the States which enjoy the possession within their boundaries of national parks could and would handle this question successfully, I would not be spending my time here, and I would not have devoted nearly a year's hard work, all of my spare time, I might say—to this cause.

Mr. Mondell has stated to you that he has had no request from any of his constituents asking him to support this bill. I think that the gentleman from Wyoming ought not to convey to you the impression that the people who have pledged their approval and support to this bill did not know what they were doing. The people whose names appear in this list, in my Bulletin No. 2, are not people of the character who do things in matters of this kind simply through good nature.

I took the trouble to go to Wyoming, and make an address in Cheyenne, and the newspapers contained a good deal of information about this whole matter. It was discussed in various ways and finally the people of Wyoming, of their own volition, circulated those printed cards giving the terms of the plan, and asking for signatures. Let me read you the names of some of the officers represented in this list. First, there is the governor; then the secretary of state, the deputy secretary of state; Mr. Richard A. Scott, justice of the supreme court, and the clerk of the supreme court; the State superintendent of public instruction; the secretary of the State board of livestock commissioners, who surely ought to be interested in this question, if anybody is; the commissioner of public lands; the chief clerk of the commissioner of public lands; the adjutant general; the assistant commissioner of public lands; State Senator Hall; State Game Warden Wilson; Assistant Game Warden Sorenson; the secretary of the treasury, Mr. Millard, of the Wyoming State Board of Sheep Commissioners, etc.

Here are the names of people inhabiting probably 25 cities and towns in Wyoming. All told, there must be at least 850 names of Mr. Mondell's constituents printed here as having read over the Hornaday plan, of having approved it in writing, and pledged to it their support.

That showing of public interest and support has been not quite duplicated in other States, because it is not every State that is as

much in favor of this Hayden bill as is the State of Wyoming. But there are others that are mighty good seconds.

The question of general expediency is worth a moment's consideration.

I am now going to ask you to do, for a moment, a very remarkable thing, and that is not to consider the records of legal decisions and precedents. I am going to ask you to go back with me to the fountain head of all United States law, and of all relations between the State and the Nation, the Constitution of the United States. Let us see what has actually been done under the terms of the Constitution of the United States.

In its preamble, the objects of the Constitution are declared to be "to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity," etc.

Section 8 of the Constitution proceeds to specify, briefly, in 18 clauses, how those objects are to be attained. In the fourth line of clause No. 1 we find that "Congress shall have power to * * * provide for the common defense and general welfare of the United States."

Clause No. 18 provides the machinery necessary to secure the ends sought in the first 17 clauses of section 8. It says that the Congress shall have power—

18. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

Under the authorization of the words "promote the general welfare," the Government of the United States has performed acts innumerable of great and small importance, and expended uncountable millions of dollars of public money. As a few cases in point we cite the following, for not one of which did the Constitution specifically provide:

The purchase of Alaska, for \$7,000,000.

The construction of the Union Pacific Railway.

The completion of the Washington Monument.

The construction of the Panama Canal.

The construction, at this moment, of a railway in Alaska.

The prosecution of vast irrigation schemes.

The control of infectious diseases among animals.

The eradication of insect pests.

The eradication of wild animal pests.

The eradication of wild animal diseases.

The so-called "white-slave" law.

The creation of 16 national parks.

The creation and maintenance of six national bison herds.

This list might be extended indefinitely, but it shows the wide range of national activities that very properly have been based on the constitutional provision for the promotion of the general welfare. That provision was wisely inserted to cover the thousand and one cases of national necessity sure to arise but impossible to foresee in detail in the year 1787, when the Constitution was adopted.

The language of the Constitution is so plain and so explicit that it needs no judge or lawyer to expound it. The words "promote the

general welfare" are too plain to be mistaken, or to admit of doubt. If we were to revise the Constitution to-day, we could not possibly improve upon that phrase as a means to provide for things now unforeseen.

In the past Congress has not split hairs in the doing of things necessary for the general welfare. Why begin with so simple, so harmless, so inexpensive and so beneficial a measure as the making of game sanctuaries in the public domain without interference with legitimate industries?

Gentlemen, in conclusion I repeat that this is constructive legislation. Contrary to Mr. Mondell's fear, I see no reason for the expenditure of any large sums of public money on this cause; none whatever. We have taken pains to say that we were not in favor of big appropriations from the Federal Government in connection with these forest reserves. We do not believe they are necessary.

It is quite true, as has been suggested, that the men of the Forest Service are keenly interested in this development. The reason is quite evident. The men of the Forest Service see a great opportunity to do a great thing for the American people. They are anxious to produce something good and great out of the raw materials that are now going to waste.

I believe sincerely that if the National Government does not enact the Hayden bill into law and does not carry out some grand, comprehensive scheme for repairing the mistakes of the past that the big game of the West, excepting in existing National and State game preserves, will totally disappear, and that hunting as a sport will become a pastime of the past.

I do not agree with Mr. Mondell in believing that the food-supply question is absurd or negligible; quite the reverse. I know this: That whenever a frontiersman is arrested for killing game out of season and is taken to the local court, in about 7 cases out of 10 the jury sets him free on the ground that "he needed the meat." That is a very common expression out there: "Not guilty; he needed the meat." The frontiersmen out West do not consider this food question in connection with big game as negligible; not by any means.

You and I know, gentlemen of the committee, that in the United States there are not millions, but there are scores of millions, and hundreds of millions of acres of waste land to-day, in the Appalachian region, in the White Mountains, in the West, and in the South in which a vast amount of wild game might be produced if only the proper measures were taken. If we ever become so rich that 2,000,000 deer a year are of no consequence as a food supply, then I am wrong and Mr. Mondell is right; but with beef at 25 and 30 cents a pound, a million deer a year added to the menu of the very men who need it most—the individual frontiersman in our wild country—would be something well worth having.

Mr. Chairman, I thank you for this opportunity. In conclusion, I would like to file with you, as an addition to my testimony, the following summary of the subject under consideration: .

THE REAL MEANING OF THE CHAMBERLAIN-HAYDEN GAME SANCTUARY BILL (S. 6881; H. R. 11712).—A SUMMARY.

Under "State control" the big game of the West has been well-nigh exterminated. Look at Colorado. In that State there is to-day no more hunting of elk, deer, mountain sheep, antelope, wild turkeys, quail, or pheasant. Other Rocky Mountain States are but little better off.

The Chamberlain-Hayden game sanctuary bill is before Congress because the representative people of the West sincerely desire to have what it will provide. Note in Bulletin No. 2 (the red one) of the permanent wild-life protection fund, State by State, the array of supporting governors (12), institutions, newspapers, organizations, and prominent men and women of the national-forest States.

This law is needed and desired because it will bring back some of the vanished big game, and do things that the States alone never will do unaided.

This bill would take nothing from the public domain. It would not change the legal status of 1 acre of public land, except by protecting the game upon it from being killed.

It would sequester no agricultural lands and no grazing lands. The areas in view for these sanctuaries are the wild, remote, rugged, and now useless regions, utterly useless for agriculture and for grazing. Any settler who goes into such a region to live is doomed to perpetual poverty, because he can not conquer steep mountain sides and V-shaped valleys.

It is not the part of wisdom to let those now desolate regions forever remain desolate, producing nothing of value to man save timber and water. Even the sheepmen and cattlemen admit this—so far as heard from.

No State can be forced to accept game sanctuaries against the will of its governor. For example, if Utah, or any other State, has no forest lands that are unsuitable for agriculture and stock grazing, then Utah need not have any game sanctuaries. There is nothing mandatory about this plan, and each governor has a check on operations in his State.

If the western States had not said that they desire these sanctuaries and all that they will do for the West, the sanctuary bill would not now be before Congress. The East can endure lifeless western forests if the West can. The people of the East have not been asked to try to "rush" the Chamberlain-Hayden bill through Congress.

This matter is proposed to Congress on a basis of absolute good faith. It is not intended as an "entering wedge" for big new appropriations and a lot of new high-salaried positions; but eventually it will cost about \$20,000 per year of extra money. The undersigned never will ask for and never will approve the making of "big appropriations" under this head. If the plan is not worth \$20,000 per year, it is not worth considering. We call it real, constructive conservation, on a large scale, at practically no extra cost.

If at any time the people of the United States decide that the public welfare demands the breaking up of the national forests, and their opening to settlement and land speculation, then "let the tail go with the hide," and deconsecrate and break up the game sanctuaries at the same time. The East can stand it if the West can; and there is nothing in the proposed law that can prevent its repeal.

In the States that will be affected by the proposed game-sanctuary plan, there are probably 1,000,000 men and boys who go hunting each year and kill game—if they can find any. To them this bill means a continuation of legitimate sport; and State control alone means the extermination of big-game hunting in the near future. These are hard facts, not theories; and the American people can take them or leave them.

STATEMENT OF MR. W. C. BARNES, ASSISTANT FORESTER.

MR. BARNES. Gentlemen, I do not want to enter into the question of ownership of the game or the constitutionality of this law, but I want to point out to you gentlemen the administrative difficulties which we are meeting in the Forest Service in handling the game question. I will preface my remarks by explaining that I am a westerner, born and raised. I have been for 26 years in the range cattle business of the West, and I have seen the buffalo, deer, and all the game disappear, as every western man has, before the settlers' farms and live stock.

Looking at it from the standpoint of meat producing, I agree with Mr. Mondell. I consider that one good cow is worth several head of deer or elk. Several times in handling this matter we have been compelled to go into some national forest in a Western State and throw out as many as 20,000 sheep to make room for a few hundred elk. It always hurt me, for I always felt that the sheep were producing something which was of an economic value to the country and should always have the preference up to a certain point. I do not mean to say that I would wholly wipe out the game in favor of the settlers' stock. There is a reasonable limit that we have endeavored to arrive at in handling this matter.

The only point I wish to clear up is this: One of the States, without consulting us, without notifying us, without asking us "Will it suit your plans, will it meet the demands of the grazing men for their stock?" will pass a law designating as a game preserve any portion of our forest which they choose, nine times out of ten without any satisfactory boundaries and without any maps to show where it lies, and then say to us, "Enforce it." We are compelled to go into these game preserves and outline them, send our rangers to post the boundaries, and put up signs so as to protect the citizens in hunting. We are also compelled to enforce the law, because the State men seldom come in there to see to it. Those laws are frequently changed. Often the first we know of the passage of a game-preserve law is when we see it in the papers. We have to write to every State legislature at the close of their session and ask the chief clerk for copies of measures affecting the ranges inside the national forests. In two western States last year they passed game-preserve bills which were impossible to lay out, simply because their boundaries were so uncertain and indefinite. The whole thing amounted to nothing and we could not protect them. In one western State the law allows any board of county commissioners to lay out game preserves in their county to suit their ideas. These are frequently changed and generally so crudely drawn that we are unable to locate them or the forests.

MR. REILLY. How will this law remedy that situation?

MR. BARNES. It will do away with the States making these preserves and give us the right. We would not do away with the game preserves, I think we would make more, but before we made them we would know the area on which the preserve should be laid out in order to meet the demands for the protection of the game, as well as for the settlers stock. It would give us the power to say where the game preserves should be in the forest.

MR. REILLY. How many States have already marked out game preserves as contemplated by this bill?

MR. BARNES. I know every western State in the country, and not over three of the States have ever taken any steps to mark the boundaries; they have left it to us.

MR. REILLY. How many States have made out the outline of a preserve and completely marked it?

MR. BARNES. I think I am safe in saying not a single one. We meet this question every year. The stockmen demand the range and the game men demand that the stock be kept off the preserves. We have had no voice in the matter of laying out and marking them.

The law practically directs us to regulate the grazing on the preserves, without having any opportunity to express our opinion as to the proper lines which should be covered. This question comes up every year and it is embarrassing to us. As I say, we are frequently called on to throw a lot of sheep out in order to protect the game. The stock men protest against it vigorously and we appreciate their situation because they go in there to make a living. On the other hand, the game men want the sheep thrown out.

Mr. REILLY. Is the game growing so rapidly that it encroaches on the land of the stock growers?

Mr. BARNES. The stock business is growing so rapidly that it is encroaching on the game land. We are holding to-day, closed to all grazing in the national forests more than three million acres of land most of which could be and would be occupied by the stock of the settlers. I have in mind one area lying north of the Yellowstone Park. I have spent two years going over the area and investigating that question. We threw out 20,000 sheep at the demand of the game men which I considered a little unreasonable, but the public sentiment was so strong that finally we prohibited the grazing.

Mr. REILLY. Do I understand that land available for grazing purposes should be devoted to game preserves?

Mr. BARNES. That is the policy.

Mr. REILLY. The doctor's statement was that there are millions of acres of land not available for grazing which should be used for these sanctuaries?

Mr. BARNES. Yes, sir.

Mr. REILLY. Why should the department compel the stock men to move for the purpose of putting on elk when you yourself made the statement that it is not profitable?

Mr. BARNES. There are two sides to it. We try in all fairness to give each side a reasonable amount of range.

Dr. HORNADAY. Mr. Barnes is talking about State preserves, not the national forests?

Mr. REILLY. The Agricultural Department is supposed to control the national forests not as the States want them but according to the economic view as advanced by the United States Government, and I do not believe that the Agricultural Department is justified in throwing the stock men off of grazing and pasture land and putting on elk which, according to your statement, is not economical and is unprofitable.

Mr. BARNES. You must admit that there is a big sentiment for the preservation of the game and that we must recognize it.

Mr. REILLY. I think that the preserves should be located where the land is not economically valuable for grazing.

Mr. BARNES. I can not agree with you. The game must eat. Elk and deer and animals of that kind must eat and they have to have the same food, to a certain extent, as sheep and cattle.

Mr. REILLY. You made the statement at the last meeting that the wild game should be on the land not available for grazing purposes, according to my recollection.

Mr. BARNES. There is an immense amount of inaccessible range in the West which is not occupied by stock, and that is where the game preserves should be located if they would exercise good judgment in laying them out. I have in mind a case where the State spread the

preserve over everything without regard for the settler or anything else, and we were obliged to prohibit grazing because there was a certain responsibility to protect the game. That could have been arranged by the State authorities, calling on us for advice, and they could have laid out a much smaller area. We meet just such administrative difficulties in handling this matter. We have no control. The State does not consult with us and there are frequent changes of which we have no information.

MR. REILLY. I can not see how this bill is going to relieve you. If you gentlemen locate a game preserve that is too small the legislature will go on and locate a larger one. This bill does not destroy the power of the legislature to increase the game sanctuaries in size?

MR. BARNES. I do not think it would.

MR. REILLY. You would still have the same difficulties about administration?

MR. BARNES. We might have, but the States have always been fairly willing to accept our advice. They do not object to our helping them. The States did not object when the Government appropriated money to purchase lands in the Jackson Hole on which to raise hay for the elk; they took it very kindly. It now costs the Agricultural Department about \$2,000 a year for the men employed to look after these lands, and they yearly put up large amounts of hay to feed the elk. If the States found that we were laying out the game preserves so as to meet the situation from the game men's point of view and to interfere as little as possible with the stockmen, I think they would give up any attempt to force their own preserves onto us; I am quite sure they would.

Those are the only points that I wished to call attention to as a practical stockman. I am for the game, and do not want to see it wiped out. I do not believe in rubbing them off the map just because the stockmen want to graze some sheep. There is room for both.

MR. JACOWAY. You say there is not room?

MR. BARNES. No; I say there is. The laws passed by the States are often very peculiar. They are passed by members of the State legislatures, who are mainly absolutely ignorant of the true conditions. Our men are posted and know every nook and corner of these forests. They know where the stock can go and where the game can go. When we call on them for a report we get the exact facts. When we decide to set aside an area in the forest as a permanent game preserve for the protection of game animals and to give them sufficient land on which to graze, we draw lines which will meet those conditions and after careful study the lines are established. Those are the main points. We only want to be relieved of this embarrassing situation, which we believe this bill will materially remedy. I have no further criticisms.

MR. MONDELL. I would not take up the time of the committee further, except that in a way, as I have heretofore said, I am in a position that is not entirely free from embarrassment. A very considerable number of very fine people in my State, men and women, public officials and others, have, by signing a petition, indorsed what is known as the Hornaday plan. It is true that this followed the visit from Dr. Hornaday. The people admire him for the work he has done and his enthusiasm for game. He spoke very kindly of what we had done up to that time, just a little more so than to-day.

He left our people all feeling very good indeed, and I think they would have signed anything that Dr. Hornaday presented to them that seemed to mean game preservation. A number of those good people have written to me. I have simply said to them this: I can not find written anywhere in my commission anything that justifies me in shortening the jurisdiction of the State which I represent. Whenever you point out to me anywhere any commission of that kind then I will consider a bill of this kind favorably.

I am not so tremendously insistent upon State or local rights that I stand for them in an extreme way, but I feel convinced, as much as I ever felt convinced of anything in my life, that if the Congress had the power to do it it should not establish Federal control over game in the West. The friction, the loss, the damage would be so tremendous compared with the benefits, that there is no argument for it.

But whether viewed from the standpoint of the policy involved I personally favored the bill or not, I would not be justified in voting for it because in doing so, as a representative of the people of Wyoming to the Congress, I would be surrendering or attempting to surrender a part of the jurisdiction of the State. I have no authority to do that. That's not what I am sent here for. I am sent here to represent the people of the State and with no authority from them to surrender any part of their jurisdiction.

If those who are favorable to legislation of this character do not want to take the trouble to influence the States to legislate as they think they should, or if they are of the opinion that the people of the States would not, in any event, legislate as they think they should, they at least should go to the proper source of power to secure the surrender of the State's jurisdiction. If the legislature of my State, which has authority to do it, will by proper action, acting on behalf of the people, surrender the jurisdiction of the State over game to an extent that would justify such legislation as this, I would not feel warranted in objecting to it.

If the bill provided for the creation of these game preserves or sanctuaries upon the approval of the State legislature, the situation would be very different, and while I might doubt the wisdom of the policy of dividing jurisdiction, as a loyal citizen of the State I would, of course, acquiesce in any action which the legislature representing the people of the State should, after consideration, conclude to take. I prize my commission as the representative of the people of Wyoming in Congress, but I do not forget its limitations. It does not authorize me to agree to any measure which conflicts with the State's jurisdiction even though certain of my constituents might desire me to do so.

I have already taken up as much of the time of the committee as I am justified in doing in discussing the game situation in our State, but if the committee will allow me I want to say just a word more about the moose, in view of what Dr. Hornaday has said on that subject. Dr. Hornaday told you that "about 10 years ago it was discovered that there were moose in the southwestern corner of the Yellowstone National Park. It was counted as a fine discovery, because everybody thought they were extinct." When I asked Dr. Hornaday as to his authority for that rather remarkable statement, he said he was speaking from the testimony of Mr. George Shiras, 3d,

who, he said, had been over every portion of that section of the country. "He knows a good deal more about it than any other man living," said Dr. Hornaday. It so happened that I was instrumental in having Mr. Shiras, who is an enthusiastic naturalist, a lover of wild game, a famous hunter with the camera, visit the region in question. I had been in the upper Yellowstone country, both in and out of the national park, the year before. I had seen many moose and noted their great increase since a former visit. I was much gratified with this increase in the moose herd, which had resulted partly, it is true, from the fact that the moose were protected in the park, but more because they had been for years protected by the laws of Wyoming. I explained to Mr. Shiras how he could reach the placid waters of the upper Yellowstone from Yellowstone Lake with a canoe, and the following year he made the visit and wrote the description to which Dr. Hornaday has referred, but I assume Mr. Shiras never claimed he made a discovery of something that was not known to our people. It was a discovery, or at least news, to those like Dr. Hornaday, who had not, up to that time, been familiar with the facts. The upper Yellowstone River, above Yellowstone Lake, both in the park and in the country south of it, has for a considerable distance comparatively little fall. It is almost sluggish, and the country on either bank is low and swampy in places, affording ideal feed for moose and the conditions under which the moose thrive. It is doubtful if the moose would thrive in considerable numbers if they got far beyond that particular kind of a region.

MR. REILLY. How many are there?

MR. MONDELL. There have been various estimates made. The last time I was in there, seven years ago, I rode down the river, making no effort to keep out of the way of the game, and as I went down the river I guess I saw 20 or 30. There are in all perhaps a thousand or more.

MR. BARNES. I saw 100 there.

MR. MONDELL. When in a half day's trip you see that many, there are, of course, many hundreds. We have preserved the elk in Wyoming. This great herd winters and always has wintered in the region south of the park. About one-third of the herd, perhaps half, spends the summer in the park.

Now, Dr. Hornaday suggests that we must enact the legislation because the States will not take care of the game, that the sentiment is so lacking and people are so indifferent that he despairs of any success. He argues against the State of Colorado having jurisdiction over this matter when, as he informs us, the State of Colorado, by law, has made a game preserve of the whole State.

MR. MONDELL. May I have about five minutes to reply to one or two little matters?

MR. JACOWAY. Dr. Hornaday wants to be heard.

MR. MONDELL. I want to refer to one or two matters while they are fresh.

**ADDITIONAL STATEMENT OF HON. FRANK W. MONDELL, A
REPRESENTATIVE IN CONGRESS FROM THE STATE OF
WYOMING.**

I think our friend, in citing the decision in the Mid West case, made his statement stronger than he intended to make it. The Mid West case involved no question whatever except the right of the President to set aside lands and to withdraw them from entry. There is nothing in the Mid West case that can possibly be tortured into any bearing upon the question at issue in this case. The committee's attention has been called to the fact that the Federal Government has legislated in some few cases somewhat along these lines. Well, I am glad the gentlemen did call attention to that fact because that legislation illustrates how these Federal bureaus edge in on the claim that certain legislation is restricted in its effect or local in application, establishing no precedent, and then cite the legislation is an argument for further encroachment. The Federal camel's nose gets into the tent and then he bumps the tent over.

You take the case of the Wichita Bird Game Preserve. That was Indian land down there and the argument was that this land belonged to the Indians anyway; it was Indian land; it was not public land, and we badly needed to preserve the game down there. These Indians were a lawless, outrageous set, it was said, and there was no such thing as protecting the game in such a country under a State law, that there was a peculiar situation down there, and so by common consent, but against the better judgment of many, that action was taken. I remember very well the arguments which were made in behalf of it. Then it came to the matter of the Grand Canyon game refuge. The Grand Canyon is a national monument. Some day it will be a national park. That is conceded by everybody. It just remains for some fellow to draw a bill, get busy and urge Congress to establish a national park there and it will be done, followed by the cession of jurisdiction. When it came to the question of protection for that country which was a national monument—and which will eventually be a national park, with complete cession of jurisdiction by the State—there was no particular objection to what was proposed to be done with regard to the birds and animals down in the bottom of that awful chasm, far from the haunts of men.

The matter of bird preserves recalls some very interesting and curious recollections upon my part, because I was a member of the Committee on the Public Lands when that thing was put over, and I am not going beyond the bounds of proper legislative speech when I use the term "put over."

Mr. JACOWAY. Do you not think it would be better, from your viewpoint, to say "run over"?

Mr. MONDELL. No; we were not run over. Run over means something gotten over in spite of you. That was not true in that case; we agreed to it. What I mean is that it was put through—well, I will not say on false pretenses, but it would come as near being that as anything could be. This was the situation: The President had, on the Gulf coast, set aside some uninhabited islands as game refuges. Nobody cared what the President did with those uninhabited islands which were, for a considerable portion of the time, under the wash

of the sea, at least in time of storms. There were other islands off the coast in the northwest and elsewhere equally inaccessible, and where the same general condition existed. There were small areas of that kind along the coast that from time to time the President had designated as bird refuges. They had not been able to protect them by reason of lack of authority and they came to Congress saying, "We want legislation. We realize that the creation of these bird preserves was not legal, but we now want legislation so we can protect them."

The matter came before the Committee on the Public Lands at the time I was a member of it. It was discussed up and down. They said, "We do not intend to do any more of this sort of thing. We are not asking authority to create any more of these bird preserves. All we want to do is to take care of what we have. These refuges are uninhabited—inhabitable—and they are far from the operation of the machinery of the States, and we want to protect them and take care of them." The Committee on the Public Lands had very decided views with regard to the matter, but finally it was agreed to provide for taking care of those preserves which had been established. And this is the language of the bill that was drawn:

That it shall be unlawful for any person to hunt, trap, capture, willfully disturb, or kill any bird of any kind whatsoever or take the eggs of such birds on any lands of the United States which have been set apart or reserved.

Those of us who were a little suspicious insisted on the word "heretofore" being used, so that it would read "on any lands of the United States which have been heretofore set apart or reserved." They said "No; that will not do, because just now the department has under consideration the reservation of a few more of these small islands lying off the coasts, and can not now act, owing to lack of proper description, and while this bill really means "heretofore," if the proclamations did not issue in these cases until after the bill passed it might be fatal, so far as those new preserves are concerned, if some one raised the point."

It was insisted, however, that the language of the bill did not, in fact, authorize the creation of more bird refuges, but more definite language, it was said, might make trouble, in view of the situation I have referred to. Officials of the departments interested in the legislation gave that as their interpretation of the bill. That bill was not passed without consideration, and it was passed under false pretenses. The chairman of the committee, Mr. Lacey, said afterwards to me, "I did not think, and told you I did not think, that it would authorize the creation of any more of these preserves, but they have created them, and now that I look it over I think it will bear that interpretation."

Officials we understood as assuring us that there was no thought on their part that the bill would allow the creation of new preserves were soon found taking another view of it. The bill never would have passed, never would have become a law, if it had been understood it authorized the creation of new bird preserves.

Mr. REILLY. How many have been created since then?

Mr. MONDELL. Almost immediately after the bill passed, to my amazement I was informed by a member of the Biological Survey that they held the bill gave authority to create as many bird preserves as the President saw fit to create. Let me tell about one in

my State. A man had applied to have a certain reservoir site reserved; he proposed to spend \$200,000 or \$300,000 in creating a reservoir. They took his maps—his reservoir was almost circular—and made one of these preserves 400 feet wide, a doughnut around his reservoir. He never built his reservoir and it is all dry land to-day. You can not hunt in that country without being in danger of going across that unmarked 400 feet of Federal preserve and violating a Federal law, though you may be hunting in accordance with the State law. If they had enforced the law with regard to that particular bird preserve there would no doubt have been several of my constituents in Federal jails right now. The only reason why no one has tested that law is that there has been little effort to enforce it. Whenever it is enforced it will be tested, just as the migratory bird law is being tested. That law was drawn using language that is capable of double construction "which have been set apart or reserved."

The committee that reported it would not have reported it without the word "heretofore" in it if there had not been pledges and promises by men that they considered upright and honorable that they did not intend to interpret that as authorizing new preserves. It would apply, we were told, to bird preserves that had theretofore been established. It is a fine illustration of what is sometimes done, in persuading Congress to make a grant of power on the theory that it does not go far and does not affect much, but being secured everything is claimed under it. All kinds of conflicts will arise under that law eventually, not with regard to these outlying islands, but with regard to these bird preserves that surround reclamation reservoirs where the conflicts are bound to be continuous if any regulations differing from State law are enforced.

Mr. JACOWAY. Following out your theory, then, you think the camel has gotten about half his body into the tent up to date?

Mr. MONDELL. He has gotten his nose in under that law. Having had that experience, we are a little more careful than we were even at that time. I do not want to leave a wrong impression. I am not insisting that the Federal Government has no right to keep hunters off of its lands; I think it has the right to do that, but it has not any right to define and punish as a crime the taking of game.

Mr. REILLY. Of what good is it to exercise that right to keep them off the land if they have not the right to punish for taking game improperly?

Mr. MONDELL. It has the right to punish trespassers; to punish for trespass and for injury to its property. The courts have never held that the Federal Government had any authority or jurisdiction except to protect its property. It has the right to do that. Our opposition is not based upon the theory that we do not want the game preserved, but it is based upon the fact that we do not think this is the way to do it.

Mr. WILLIAMS. Let me state for the information of the committee, since the question has been asked, that I believe there are about 70 Federal bird preserves now.

So far as elk, moose, antelope, deer, and mountain sheep are concerned, if you put the whole State of Colorado in these preserves you would do no more than the Legislature of Colorado has already done. Dr. Hornaday says that Colorado game preservation laws are proof there is little or no game there. On the contrary, if there was

no game there there would be no object in having a closed season protecting it. There is no doubt, however, but that the game has been depleted in Colorado. As a young man I lived in Colorado, and the mountains were covered with wild game. It is not possible to bring back the game as we had it in that country 30 years ago. That would not be possible, or profitable. Nobody imagines that can be done or wants to have it done. While the doctor says there is little sentiment in the West in favor of game, our friend Barnes has called attention to the fact that the sentiment is so strong that in some cases the State has created game preserves extending over more territory than he thinks they should extend over.

As I said in my statement a moment ago, better preservation for game is to be had, in the long run, in my opinion, by closed seasons covering a great territory than by having small patches and areas here and there where there is no hunting allowed at all. Mr. Barnes called attention to the fact that in my State we at one time made the whole of the Big Horn Forest Reserve a game preserve and we made it too large, he thought, because he said it deprived some sheep of feed. Well, it would not deprive sheep of feed if there were not some game there. Dr. Hornaday said there was no game in the Big Horn. I have not hunted game in the Big Horn, but I formerly spent some time in that beautiful mountain country and I have seen a great deal of game there and it is coming back. It was a good thing for our legislature to make this whole mountain area a game preserve and prohibit hunting absolutely for a time until the game should have an opportunity to increase reasonably.

I think that what Mr. Barnes has said indicates that there is a healthy sentiment in the West for game preservation, and if the gentlemen having to do with the forest reserves will endeavor to arrange their grazing in a way which fits in with the State provisions with regard to reserves there will be no difficulty. It is not necessary, because a State like the State of Colorado prohibits all kinds of big-game hunting all over the State to largely reduce the amount of grazing on all the reserves of the State, though, of course, if that prohibition continues long enough the game would increase to an extent where you would have to reduce the number of grazing animals, but that comes very slowly, and before that time arrives the game laws would be modified.

I want to thank the committee for having been very patient with me.

ADDITIONAL STATEMENT OF DR. WILLIAM T. HORNADAY.

DR. HORNADAY. I would like one minute in which to put something into the record. There is a question of fact at issue between Mr. Mondell and myself in regard to the presence of moose in Wyoming. I am going to read a few lines from a book entitled "Our Vanishing Wild Life," page 336:

Lieut. Col. L. M. Brett, United States Army, superintendent of the Yellowstone Park, advises me (July 29, 1912) that the wild big game in the Yellowstone Park in the summer of 1912 is, as shown below, based on actual counts and estimates of the park scouts, and particularly Scout McBride. The estimates of buffalo, elk, antelope, deer, sheep, and bear are based on actual counts or very close observations, and are pretty nearly correct.

He estimates wild buffalo, 49; moose, 550; elk (in summer), 35,000; antelope, 500; mountain sheep, 210; mule deer, 400; white-tail

deer, 100; grizzly bears, 50; black bears, 100; pumas, 100; gray wolf, none; coyotes, 400; and pelicans, 1,000.

Mr. MONDELL. I do not think I said there were no moose in the Yellowstone Park; I said the moose country. The country in which the moose live, grow, and breed is not by any means wholly in the Yellowstone Park. Of course, the park is right up against it, and the moose in the summer time are all over that entire region. In the winter they are almost wholly south of the park.

(Thereupon the subcommittee adjourned.)

MEMORANDUM ON THE CONSTITUTIONALITY OF THE BILL TO ESTABLISH GAME REFUGES
IN NATIONAL FORESTS.

[Submitted by John H. Wallace, jr., Commissioner Alabama Department of Game and Fish.]

(1) The fundamental principle underlying the bill, namely, the setting aside by the Government of parts of the public lands for the protection of game, is not new in the legislation of Congress, as witness (a) the act of January 24, 1905 (33 Stat. 614), authorizing the President to designate areas in the Wichita Forest Reserve, Kans., "for the protection of game animals and birds and be recognized as a breeding place therefor"; (b) the act of June 29, 1906 (34 Stat., 607), authorizing the President to designate areas in the Grand Canyon Forest Reserve, Ariz., "for the protection of game animals and be recognized as a breeding place therefor"; (c) the act of June 28, 1906 (34 Stat., 536, now sec. 84 of the Penal Code), prohibiting under penalty, "any person to hunt, trap, capture, willfully disturb, or kill any bird of any kind whatever or take the eggs of such birds on any lands of the United States which have been set apart or reserved as breeding grounds for birds by any law, proclamation, or Executive order, except under such rules and regulations as may be prescribed from time to time by the Secretary of Agriculture."

(2) The United States with respect to its public lands within a State has all the rights of a private proprietor to maintain its possession and prosecute trespassers and may legislate to this end even though such legislation involve the exercise of police power. (*Camfield v. United States*, 167 U. S., 518.)

The provision in the Constitution (sec. 3, Art. IV) providing that "Congress shall have power to dispose of, and make all needful rules and regulations respecting, the territory or other property belonging to the United States," is primarily a grant of power to the United States of control over this property, and this control is exercised by Congress to the same extent that an individual can control his property, and it is for Congress and not for the courts to determine how the public lands shall be administered. (*Light v. United States*, 220 U. S., 523.)

(3) A private proprietor of lands in any State has the right, independently of any statute on the subject, to forbid persons coming upon his lands for the purpose of hunting, and he need give no one a reason for doing so. If the law were otherwise, he would hold his property subject to be used for hunting by others without his permission and against his interests. Certainly the United States, with respect to its lands, has the same power to forbid persons coming on these lands for the purpose of hunting. That is all that this bill proposes. The question as to who owns the game is as foreign to the question of the right of the United States to prevent hunting on its lands as to the right of the private proprietor to prohibit hunting on his lands.

It is apprehended that in most, if not all, of the States statutes are in force prescribing in what manner the owner of lands shall warn the public not to hunt thereon. These are popularly referred to as "posting laws." It did not require these statutes to enable the owners of the lands to prevent persons from hunting thereon, but inasmuch as, unless the lands were posted against hunting persons might not know that the owners objected to their hunting, the statutes prescribe in what manner the owner shall make known his objections. The pending bill, after exercising the right of the United States to prevent hunting upon certain areas in the national forests, provides for the designation of the lands upon which hunting is not to be permitted and for the posting of these areas.

(4) Former Attorney General Knox, while he was Attorney General, rendered two very exhaustive opinions upon the fundamental principle involved in this bill, and came to the conclusion in both that there was not the slightest doubt of the power of Congress to set aside portions of the public lands for the protection of game. (23 Op. Atty. Gen., 589; H. Doc. No. 321, 57th Cong., 1st sess.)

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Decrease of Birds In South Carolina



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The Decrease of Birds in South Carolina



BY

BELLE WILLIAMS

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Chairman, Bird Protection Sub-Committee Department of Conservation
State Federation of Women's Clubs

THE DECREASE OF BIRDS IN SOUTH CAROLINA

The people of South Carolina are now called upon by the inexorable logic of conditions to face and answer a very serious question. That question is: Shall we take the action necessary to save our remnant of wild birds and game on a reasonable and permanent basis, or shall we remain passive and permit all of it to be destroyed forever?

It is an undisputed fact that the prosperity of the State and nation depends on successful agriculture. Therefore, whatever assists in the production of crops has a money value in proportion to the degree of assistance rendered. The result of the study of the relation of birds to agriculture made by government experts shows that birds are among the farmers' best friends. Mr. Henry W. Henshaw, Chief of the Bureau of Biological Survey, is authority for this statement: "So great is their value from a practical standpoint as to lead to the belief that were it not for birds successful agriculture would be impossible."

Birds are busy everywhere and at all times: in the water and on the land; in low bushes and on the tree-tops; on the trunks and branches of trees and in the air. Some work by day, others by night. Some are scavengers; others check the ravages of disease-carrying insects. Some feed on insect pests which attack crops; others are noxious weed seed destroyers. Some protect fruit and forest trees; others are very destructive to harmful rodents such as mice and rats.

If the birds' work in nature be of so much importance, bird conservation should become a part of the constructive work of the State, and any agency or condition which tends to reduce the bird population below the limits necessary to hold in check the countless hordes of injurious insects, should be considered inimical to the best interests of the whole people.

Knowledge of Condition Necessary as a Basis for Intelligent Conservation

As a basis for intelligent and effective work for conserving our valuable wild bird life, a knowledge of the conditions under which this wild life exists in the State today is necessary. In order to obtain an average of fair and unprejudiced opinion approaching as near the actual facts as possible and discover possible remedies which should be embodied in a report on this important subject, the Audubon Society of South Carolina made a brief inquiry into conditions affecting bird life.

By way of collecting data from persons competent to give information, 300 circulars containing the following questions were prepared and submitted to a carefully selected list of names made purposely to include farmers, sportsmen, gunners, naturalists, ornithologists and other intelligent observers:

1. Are the birds decreasing in your locality, county, or in the State generally?

2. How do their numbers now compare with those of fifteen years ago? Three-fourths as many, one-half, one-third, or do they remain about the same?

3. Has the decrease (if any) been continuing for twenty, thirty, forty years or longer?

4. What agencies have been responsible for the decrease? (1) Sportsmen? (2) Market hunters? (3) Milliners' hunters? (4) Negroes? (5) Nest robbers? (6) Hunting out of season? (7) Sling-shots and air-guns? (8) Guns in the hands of irresponsible boys? (9) Draining swamps? (10) Burning over woods and fields? (11) Cutting away fence-rows and hedges? (12) Other causes?

5. Have any species of birds become extinct within recent years, or are any nearing extinction and from what cause?

6. Are the natural enemies of birds such as cats, owls, hawks, jays, English sparrows, foxes and snakes doing appreciable injury, and what species are the most injurious?

7. What degree of destruction is done by dogs roaming at large during the birds' breeding season?

8. What species of birds, if any, are increasing in numbers and from what cause?

9. Does dove-baiting or shooting doves over baited fields prevail in your county?

10. Are the game laws (1) Known? (2) Respected? (3) Enforced?

11. Can you suggest any better protection of birds as against man and their natural enemies?

One hundred and fifty-five replies containing material of more or less value were received. Many bore evidence of having been prepared most cheerfully and conscientiously. Some respondents consulted with other persons before filling in the blanks. Others turned the circulars over to people whom they considered more competent than themselves to give the information. Many of the replies were replete with valuable data and were accompanied by letters giving additional material.

Not a few persons expressed deep interest in the objects of the inquiry and offered further assistance. Several replies contained annotated lists and carefully prepared estimates of percentages. All the information received cannot be included in a report of this size, but it has done its part in helping to make the estimates and to draw the conclusions set forth here.

Methods of inquiry similar to that employed here, were pursued in 1898, by Dr. W. T. Hornaday, of the New York Zoological Society, in order to get an estimate of the decrease of the wild life of the country as a whole, and in 1904, by Mr. E. H. Forbush, state ornithologist of Massachusetts, for an estimate of the decrease of birds in this State.

The data collected and the conclusions drawn, which were issued in the form of reports, have assisted very materially in shaping the policy of game conservation in the United States and Massachusetts respectively. The present report is a direct result of the information and inspiration received from the above mentioned reports.

The questions used by Mr. Forbush have been slightly changed to suit conditions in this State. In the form and treatment of the subject matter, the reports of Dr. Hornaday and Mr. Forbush have been very closely followed.

Evidence of Former Abundance

As an aid to the understanding and appreciation of the results of the investigation into the conditions affecting bird life in this State at the present time, a few extracts will be given from explorers, historians and colonists concerning the former abundance of game in South Carolina:

Hilton, in his "Relation of a Discovery" (1664) says: "The Country abounds with Grapes, large Figs and Peaches; the Woods with Deer, Conies, Turkeys, Quails, Curlues, Plovors, Teile, Herons; and as the Indians say, in Winter with Swans, Geese, Cranes, Duck and Mallard, and innumerable of other water Fowls, whose names we know not which lie in the Rivers, Marshes, and on the Sands."¹ Robert Horne, in his "Description of the Province of Carolina" (1666) writes: "The Woods are stored with Deer and Wild Turkey." He also says: ". . . in the little Winter they have an abundance of wild Geese, Ducks, Teals, and Widgeon—and many other pleasant Fowl."²

In "An Account of the Province of Carolina" (1682) we find: "On the Rivers and Brooks are all the Winter Months vast quantities of Swan, wild Geese, Duck, Widgeon, Teal, Curlew, Snipe, Shel Drake, and a certain sort of Black Duck that is an excellent meat and stays there the year round."³ In John Archdale's "Description" (1707) he relates: "There is also vast Quantities or Numbers of Wild Ducks, Geese, Teal."⁴

Lawson, in his account of his travels in Carolina (1718)

1 Hilton (William): A Relation of a Discovery lately made on the Coast of Florida. (From Lat. 31 to 33 deg. 45 min. North-Lat.), London, 1664.

2 Horne (Robert): A Brief Description of the Province of Carolina, London, 1666.

3 Reprinted in Carroll's Historical Collections.

4 Salley's *Narratives of Early Carolina*, Scribners, 1911. p. 289.

says: "—in the Season good plenty of fowl, as Curleus, Gulls, Gannets, and Pellicans, besides Duck and Mallard, Geese, Swans, Teal, Widgeon, etc." In another place he speaks of "great Flocks of Turkeys" in the adjacent woods. Of the vast number of passenger pigeons, he says: "You might see many millions in a Flock. They sometimes split off the limbs of stout Oaks and other Trees upon which they roost o'Nights."⁵

Catesby in his *Natural History* (1731) writes: "In the winter season there are great variety of different species of Sea Fowl in numerous flocks feeding promiscuously in open bays and sounds."⁶ Eliza Lucas, writing to her brother in England in 1741, speaks of the abundance of wild fowl.⁷ A most interesting description of the birds of the province is found in Hewat's account (1779): "There are also vast numbers of winged fowls found in the country. Besides eagles, falcons, cormorants, gulls, buzzards, hawks, herons, cranes, marsh hens, jays, woodpeckers, there are wild turkeys, pigeons, black birds, wood cocks, little partridges, plovers, curlews and turtle doves in great numbers; also incredible flocks of wild geese, ducks, teal, snipes, mockbird, redbird and hummingbird."⁸

Then another leaf is turned, and in the place of praise for the "great store of fowl" we find expressions of regret for the decrease which begins to be apparent. In a "Statistical Account of Edisto Island" (1809) is found the following statement: "Their range, the crowded settlements, and cleared state of the island render it unfavorable to the pursuit of the hunter." The writer continues: "Similar causes may have operated to drive and scare away those migratory and aquatic birds which at the

⁵Lawson's *History of Carolina*, London, 1718, p. 8.

⁶Catesby's *Natural History of Carolina, Florida and Bahamas*, London, 1731, Vol. 1.

⁷Ravenel, Harriott Horry: *Eliza Pinckney*, Scribner's, 1886.

⁸Reprinted in Carroll's *Historical Collections*, p. 80.

early period of its settlement, were known annually to frequent the island in great variety and numbers."⁹

In Mills's *Statistics* (1836), after speaking of the former abundance of game in Laurens District, the writer says: "This abundance of wild game has in a measure disappeared from the rapid population of the country. A few deer and wild turkey remain."

In 1850 William Elliott writes: "I cannot but perceive with regret that there are causes in operation which have destroyed and are yet destroying the game to that extent, that in another generation, this manly pastime will no longer be in our reach." And again he says: "It is the wanton, uncalled for destruction of forests and game which I reprehend."¹⁰

A Summary of Reports by Counties

A tabulated statement by counties of the reports regarding the decrease of birds.

<i>Name of County</i>	<i>General Decrease</i>	<i>Decrease of Species</i>	<i>Holding Own</i>	<i>Birds Increasing</i>
Abbeville	3			
Aiken	5			
Anderson	3	1	1	
Bamberg	3	2	1	
Barnwell	3			
Beaufort	4			
Berkeley	2		1	
Calhoun	4	1		
Charleston	4	1		3
Cherokee	1	1	1	
Chester	3			
Chesterfield	1			
Clarendon	2	1		

⁹Ramsay, David: *History of South Carolina*, Charleston, 1809. Vol. 2, p. 555.

¹⁰Elliott, William: *Carolina Sports by Land and Water*. New York, 1850, p. 106.

A Summary of Reports by Counties (Con.)

<i>Name of County</i>	<i>General Decrease</i>	<i>Decrease of Species</i>	<i>Holding Own</i>	<i>Birds In- creasing</i>
Colleton	2			1
Darlington	3	1	1	1
Dillon	3		1	
Dorchester	1			1
Edgefield	3		1	
Fairfield	1*		1	
Florence	3			
Georgetown	2		1	
Greenville	2			
Greenwood	5			
Hampton	2	1		
Horry	2		2	
Jasper	1		2	1
Kershaw	2		1	1
Lancaster	2			
Laurens	2			
Lee	2	1	1	
Lexington	4	1		
Marlboro	1			
Marion	2			
Newberry	3			
Oconee	3	1		
Orangeburg	1			1
Pickens	2			
Richland	2	1**		
Saluda	1	2		
Spartanburg	3			
Sumter	4			
Union	2			1
Williamsburg	2	1	1	
York	3			
Total	109	16	16	10

*All except birds of prey.

**Resident non-game birds increasing.

General Decrease.

One hundred and nine reports show that birds are decreasing generally, following the decrease all over the country. Sixteen reports show decrease of certain species only, mostly game birds; sixteen, birds as holding their own and ten, birds as increasing, three report not knowing.

Most of the reports on the decrease of game birds come from hunters, who, because of their knowledge of these species are more competent to report on them. In addition to the game birds reported as decreasing, viz: Bob-white, Carolina Dove, Woodcock, Killdeer, Wood Duck, Wilson's Snipe and Wild Turkey, almost every report contained a list of species estimated to be either decreasing or increasing. A very careful study of these exceptions shows the decrease of a great many other species, the stationary condition of a few and a slight increase in a few others. The conclusion is reached that the reports stand for a much greater general decrease than is brought out in the table.

Expert Evidence of Decrease

The two expert ornithologists who have furnished data for this report are, Mr. Arthur Trezevant Wayne, Mount Pleasant, S. C., and Dr. Eugene Edmund Murphey, Augusta, Ga. Mr. Wayne has been almost continuously in the field for more than thirty years, and has worked the coast counties south of Georgetown county. His valuable book, "Birds of South Carolina," published by the Charleston Museum in 1910, is quoted from freely in this bulletin.

For twenty-five years Dr. Murphey has studied the counties of Aiken, Barnwell and Edgefield. What these authorities say may be considered authoritative, and an evidence of the correctness and value of the reports from observers of less experience in these localities is shown by the closeness with which their reports agree with the data furnished by Mr. Wayne and Dr. Murphey.

Mr. Wayne reports: "Doves, Woodcock, Wild Turkeys,

Wood Ducks, Wilson's Snipe decreasing. There are less than one-half as many of the three former as fifteen years ago. Agencies responsible for the decrease are: market hunting; hunting out of season; guns in the hands of irresponsible boys; draining swamps; burning over woods and fields; especially negroes, and hunting Wild Turkeys and Woodcock out of season by white men whom I know; deforestation of country which is now rapid. The Woodcock is surely approaching extinction.

"Among natural enemies, cats, Cooper's and Sharp-shinned Hawks are destructive. Insectivorous birds are plentiful, except Pine Warbler, Brown-headed Nuthatch, Red-cockaded Woodpecker and Bachman's Sparrow, caused by cutting away enormous areas of pine timber. Game laws are not enforced. They are neither known nor respected by white men much less negroes. Almost every negro has a gun now and he shoots anything in sight. The gun should be taken away from the negro as well as the white man who knows the law but disrespects it. Make him pay a heavy fine and game birds will increase."

Dr. Murphey finds that bird life is decreasing gradually, there being only about half as many birds as there were fifteen years ago, and that the decrease has been continuing thruout the period of his experience. In his opinion, the decrease is due to sportsmen, market hunters, negroes, nest robbers, irresponsible boys with guns, draining swamps, destruction of fence rows and hedges, wandering dogs which destroy the nests of ground-nesting birds, and the English Sparrow by crowding out native birds in towns and cities and extending its range into the country. Locally Woodcock and Wood Ducks are rapidly nearing extinction, due to defective laws in the past. Red-headed Woodpeckers and Meadowlark are increasing; the former by coming into the cities. He reports a great decrease in Nighthawks and Purple Martins up to three or four years ago, but now they are better protected; all other birds are decreasing.

Records of Decrease

The species reported as decreasing very rapidly or approaching extermination in different sections of the State, are given below with the numbers reporting each: Blue-bird, 73; Bob-white, 39; Nighthawk, 32; Herons, 30; Purple Martins, 25; Eagles, 25; Chimney Swift, 22; Hawks and Owls, 21; Mourning Dove, 18; Thrushes, 17; Wrens, 16; Cardinals, 16; Mockingbirds, 15; Woodpeckers, 15; and all game birds, 15; Ground Dove, 14; Pileated Woodpecker, 13; Meadowlarks, 12; Wood Duck and Woodcock, 11; Robins, 10; Warblers, 9; Redheaded Woodpecker, 9; old field Sparrows, 7; Blackbird family, 6; Flickers, 6; Wilson's Snipe, 5; Ducks, 4; Kingbirds, 4; Wild Turkeys, 4; Snowbirds, 3; Blue Jay, 3; Cedar Waxwings, 3; Catbirds, 3; Chuck-will's-widow, 2; Curlew, 2; Shore-birds, 2; Sandpipers, 2; Coot, 1; Spanish Curlew, 1; Osprey, 1; Loggerhead Shrike, 1; Killdeer, 1; Songbirds, 1; Red-bellied Woodpecker, 1; Wood Pigeon, 1; Wilson's Plover, 1; Wild Geese, 1; Brown-headed Nuthatch, 1; Red-cockaded Woodpecker, 1.

As the Bob-white is the bird most sought for food and sport, the game bird par excellence, and as it is one of the most useful birds to the farmer, by reason of its appetite for large quantities of harmful insects and seeds of noxious weeds, it is interesting to know that 39 observers report its alarming decrease. "There are not half as many Bob-white or Quail as in former years. If they could be protected from the pothunter, market hunter and hunting out of season, in three or four years there would be as many as there were fifteen years ago" writes J. P. Dill.

Mr. Frank Hampton, president of the Audubon Society, reports: "I do not believe, taking all birds, there is one bird now where there were ten and in some cases one-hundred, thirty or forty years ago. Last fall I hunted over territory where I used to count twelve coveys, and found only one small covey. I can remember when there were countless numbers of Blackbirds in the pine woods and fields. I now see none. I used to see hundreds of Nighthawks and have known three or four men to kill from

twenty to thirty each in an afternoon. Last summer I counted only thirteen. Where I have seen Robins by the hundreds or even thousands, I hardly see them by the dozens now. Cedar Waxwings, Snowbirds, Chipping Sparrows, Flickers, Woodpeckers, Swallows, Martins, Chuck-will's-widows, and others greatly decreased. As for ducks, we have none except the Wood Duck. These with Woodcock and Wilson's Snipe are nearing extermination."

Length of Time of Decrease

As regards the length of time the decrease has been continuing, reports from 95 observers have been tabulated thus:

38	Report	Decrease	Continuing	for 20 Years.
24	"	"	"	" 40 "
18	"	"	"	" 30 "
12	"	"	"	" 15 "
4	"	"	"	" 25 "

It is probable that the decrease has been going on thruout the period of observation of those making the reports, and from these figures it is impossible to make any deductions as to the average length of time the decrease has been continuing in the State as a whole.

Species Extinct or Nearing Extinction

Scientists believe that each and every species of birds has its own particular work to do in nature which cannot be so well done by any other species. A species once extinct is never again reproduced in nature. Therefore the destruction of a species is a very serious matter.

Ornithologists generally report the following species as having become extinct since the settlement of the State: Carolina Paroquet, Ivory-billed Woodpecker, Eskimo Curlew, and Passenger Pigeon. The range of the Carolina Paroquet extended as far north as the Great Lakes and as far west as Colorado. They were exceedingly abundant but now all are gone. The large, handsome Ivory-billed Woodpecker has been exterminated in this State. The Pileated, which is often mistaken for it, is also fast dis

appearing. The Eskimo Curlew, a useful, valuable and highly esteemed game bird, has been practically exterminated.

The most striking example of the absolute extermination of a species is that of the Passenger Pigeon. It was the most abundant of all species, and writers from the very beginning of the settlement of the country speak of its countless numbers. It was subjected to merciless persecutions and slaughterings all along its route of migration. The last great flight occurred in 1880, after which they rapidly disappeared until the last bird died in the Cincinnati Zoological Garden, September 1, 1914.

Of the long-billed Curlew, a non-game bird whose large size made it an easy target for gunners, Mr. Wayne says: "It is now almost extinct on the South Carolina coast where it once swarmed in countless multitudes." He also reports not having seen one since 1889.

The Upland Plover or Bartramian Sandpiper, one of the most valuable birds to the farmer, is rapidly approaching extermination, and the Ruffed Grouse, which used to breed abundantly in the mountainous counties, has been extirpated from this State. The Whooping Crane long since disappeared from the Atlantic coast, and in the interior of the country where it is occasionally found, it is doomed to early extinction.

Holding Their Own

A careful study of the reports that birds are holding their own or slightly increasing in certain localities, leads to the conclusion that this holdup or increase is due to exceptional and local causes which have been operating for only a short time. It does not mean that birds are as numerous as formerly, or that they have increased to a point above their former abundance. It simply means, in the opinion of the observers making the reports, that after a long and steady decrease, in most cases, there has been a slight holdup in the decrease, and that the numbers are now stationary, or that the birds have begun to increase above their former limited numbers to which

they had been reduced by destructive agencies which have been in operation since the settlement of the country.

While in the immediate vicinity of the observer there may be slight change for the better, in the State at large, the forces of destruction are still at work. A reference to the table shows that, in contrast to the sixteen reports from fourteen counties of birds holding their own, there are thirty-seven reports of decrease of birds generally.

The following testimony is both instructive and interesting as it shows a few of the reasons why, in the opinion of these observers, birds are not decreasing, or are holding their own in some parts of the State.

Mr. C. W. Whisonant, Cherokee, writes: "As to what has operated to save the birds, I think the law against hunting at certain seasons has done as much as any other agency and there are not as many dogs as there used to be. People generally seem to be trying to take care of the birds, especially the landowners."

Mr. W. B. Ryan, Jasper, asserts: "Birds are holding their own in this county because they are protected by the various hunting clubs who own in the aggregate, 150 and 200 thousand acres of land. They are all posted and guarded, and in the case of the Okatie Club, have special nesting protection." Mr. Karl Dargan, Darlington, writes: "Our section is thinly settled and we have quite a lot of woods and swamps that the birds raise in, and we have tried to protect all kinds of birds on our place for some years." Dr. Wade Stackhouse, Dillon, reports: "Thoughtless boys with guns kill far fewer birds than they did a few years ago. Extensively cleared fields have done much to diminish bird life. Constant agitation of the subject will have its effect."

Mr. M. H. Fripp, Jasper, writes: "Insect-eating and song birds are the same for the last fifteen years. Salt-water birds, Plovers and Herons, decreasing. Chelsea Plantation Club protects all kinds of birds, especially game birds. On the estates of William and John Fripp there are all kinds of birds. We seldom allow any one to shoot." Mr. C. W. Boykin, Williamsburg, reports: "I

have a large area of land upon which I am protecting the birds for a small gun club. We have all the birds we could expect. In the meantime we kill very few during the season."

Summary of Reports Showing Increase

It is of value to study in detail those reports which show a local increase, in order that we may, if possible, find out the causes and apply them to the sections in which bird life has been reduced. Ten reports from eight counties show increase: Three from Charleston, and one from each of the following counties: Colleton, Dorchester, Jasper, Kershaw, Orangeburg and Union.

Capt. Robt. Magwood, Charleston, writes: "Birds have been on the increase in this county for the past two years. Before this, decrease had been gradual for the last forty years, but more so last ten years. There are one-half as many as fifteen years ago. White Herons, Pelicans, Shearwaters and Gulls have increased from protection largely during breeding season. Spanish Curlew all gone. Laws fairly well observed."

Mr. L. A. Beckman from the same county says: "Birds of all kinds decreased rapidly up to four years ago, when private landowners began to enforce the laws on their own lands, and the people have been educated to value birds. Now they have begun to increase. One-half as many as fifteen years ago, when D. M. Mackintosh began to buy and ship feathers. American Egret, Wood Duck and Quail have increased on property of Santee Gun Club, caused by protection. Some species of shore-birds have become extinct. Private landowners have prohibited to a large extent shooting on their property. The work of the Audubon Society, thru Mr. James Henry Rice, did much to educate the people, especially the children as to the value of birds and now you rarely see a sling-shot in the hands of boys. Laws are enforced by private landowners but not by game wardens."

Mr. T. J. Simons, Charleston, reports: "There is a decided improvement. Increase in sea-birds is due to the

discouragement by parents and others of young people taking eggs for collection and exchange. A better sentiment for protection has been created. Quail and Duck have increased from protection and short season. In some sections there has been vast improvement with the Quail. In others they have decreased. Where increase has been noticeable, they have been protected by land-owners, who have offered and paid premiums for fox heads and hawk claws. Frequently, the house cat which has become wild has been included in this premium, as they are looked upon as most destructive to young quail. The game laws are neither respected nor enforced."

Mr. T. D. Ravenel, Colleton, writes: "Some species have increased. I think the numbers will compare favorably with fifteen years ago. This is bird paradise. The chief reason, I think, is the tremendous amount of feed all the year round, the large amount of uncleared land with heavy vegetation and few inhabitants—the natural enemies of birds. The game laws seem to have no effect, as they are disregarded by everyone. Blackbirds and Jaybirds have increased."

From Darlington, Mr. J. L. Coker, Jr., reports: "General sentiment favorable to birds. Just as many as fifteen years ago, with nearly all species on the increase, except a few which are molested by Jays, viz: "Orchard Oriole, Wood Pewee, Summer Tanager, Vireo and Titmouse. No other destructive agency apparent except cats and English Sparrows. Game laws are respected and enforced increasingly."

Mr. L. A. Walker, Dorchester, writes: "Birds appear to be increasing in this immediate locality. About as many as fifteen years ago, except Bluebirds, Catbirds and Quail. Mockingbirds, Nighthawks and Jays are increasing. In this immediate vicinity, there seems to be a different view of bird life taken in town and country, due to the influence of Mr. James Henry Rice who resided here a number of years, and to the winter visitors who take an interest in bird protection. Farmers are beginning to realize that birds are of value to them, and the small boy does not rob

so many nests, or kill so many with sling shots. The work done in the schools and the talks to the farmers have had their effect. Laws are only in part respected and are not enforced."

Mr. L. B. Altman, Jasper, reports: "In my locality there is a slight increase thruout. I live on a large plantation, plant much grain, allow no shooting, and have noticed from year to year, an increased number of birds. Bluebirds have probably decreased. Partridges and Larks have increased. Game laws are known, fairly well respected and enforced."

Mr. D. R. Williams, Kershaw: "Birds considerably increased as a whole. Doves and other game birds have probably decreased. All kinds have increased except game birds, because of a growing appreciation of birds, and an increasing spirit of protection, even by boys. Laws known, respected and enforced."

Mr. M. O. Dantzler, Orangeburg, reports: "Probably slightly on the increase for the past four or five years, except a few species. There are three-fourths as many as fifteen years ago. Mockingbirds are increasing. Yellow Hammers, Thrushes, Cardinals, and Bee Martins nearing extinction. Laws are half way known, respected by the best class of hunters, and not enforced heretofore."

Mr. W. R. Walker, Union, writes: "Birds are not decreasing in my locality. I think there are more than fifteen years ago. On my farm and in my immediate section there has been little hunting done in the past five years. I allow no hunting on my farm whatever, except to kill Hawks and Owls. I have plenty of grain planted each year, and the birds get plenty of food, and besides I have them looked after the best I can. Game laws are enforced."

Assigned Causes for Birds Holding Their Own or Increasing

The reasons assigned in the reports showing birds holding their own or increasing have been classified thus, with the number reporting each: More interest on the part of the public due almost entirely to the educational

efforts of the Audubon Society, 10; protection by land-owners and hunting clubs, 9; little or no shooting or hunting, 5; plenty of cover and breeding places, 5; protection by law, 4; plenty of food, 3; thinly settled with plenty of woods and swamps, 2; protection during nesting season, 2; posting land, 1; feeding birds when snow is on the ground, 1; short open season, 1; closed season, 1; not so many dogs, 1.

From this it appears that birds are increasing or holding their own in a few localities, not so much from the enforcement of the law by the constituted authorities, as from purely local causes arising from a growing appreciation on a part of the public of the value of birds. Where there is little hunting and plenty of food, safety, cover and nesting sites, birds will increase.

In all of the ten reports of increase cited above, except one, evidence is given of the decrease of certain species. They show no general increase of birds over a large district or thruout a long period of time. Nor is any estimate given of the degree of increase. In order that a clear idea may be had of these reports, a concise summary of each is given below.

Charleston: 1. Certain species increasing; Long-billed Curlew gone. 2. Certain species increasing; some species of shore-birds have become extinct. 3. In certain sections Quail increasing, in others, Quail decreasing. Colleton: Some species have increased; Bluebirds scarce. Darlington: Most species increasing; a few decreasing. Dorchester: All species increasing except Bluebird, Catbird and Quail. Jasper: slight increase throughout; Bluebirds scarce. Kershaw: All increased except game birds. Orangeburg: Some species increasing. Yellow Hammer, Thrush, Cardinal and Bee Martin nearing extermination. Union: Birds increasing; more than fifteen years ago.

From the counties with ten reports of increase, there are sixteen reports of general decrease. If the evidence of decrease given in the above reports on increase be added to the evidence found in the sixteen reports on decrease, the conclusion is reached, that the increase is far less than is brought out in the table.

Increase of Species

One hundred and thirty-four replies were received to the request for information as to the increase in numbers of any species of birds and the causes. Twenty-six reported none as increasing. The following list was given by the remaining 108 observers, with the number reporting each:

English Sparrows, 64; Blue Jays, 10; Meadowlarks, 9; Quail and Doves, 7; Crows, 5; Mockingbirds, 5; Catbirds, 3; Blackbirds, 2; all where protected, except game birds, 2; all birds protected at all times, 1; Flickers, 1; Orioles, 1; Wood Ducks, 1; Bluebirds, 1; Brown Thrasher, 1; Red-headed Wookpecker, 1; Nighthawk, 1; Wood Thrush, 1; Summer Tanager, 1; Grackles, 1; White Herons, 1; Indigo Buntings, 1; Chipping Sparrows, 1.

It is alarming that the only bird which the reports show to be increasing to any extent is the English Sparrow, the most undesirable of all species. The decrease of our native song birds is due largely to the advent, rapid increase and aggressive qualities of this pest.

A careful comparison of the number of observers reporting increase in other species mentioned with the number reporting these species as decreasing leads to the conclusion that the Blue Jay is the only specie which is holding its own or increasing over a wide area.

Destruction by the Elements

While no direct question was asked concerning the injury to bird life from the extremes of weather, twenty-two observers report decrease from heavy sleet and snow storms, three cite extremely wet and dry breeding seasons and one extremely cold breeding season as preventing the increase of birds. Many young birds starve during long-continued rains which prevent the parent birds from finding food for their nestlings.

In order to maintain their great activity, rapid circulation and high temperature, birds require a large amount of food. When, therefore, everything is encased in ice or

covered with snow for many hours, and the birds cannot find food, they suffer severely, and sometimes great mortality results, either from actual starvation or from their inability,* because of their weakened condition, to escape their enemies.

Mr. B. D. Dargan, Florence, writes: "During every snow there are hundreds of small birds such as Sparrows, Cardinals, Thrushes, etc., caught by negroes under dead-falls." Mr. Keith Dargan, Darlington, reports that on his plantation during a sleet or snow storm, the negroes are taught not to kill the birds, but to feed them. Mr. West Harris, Spartanburg, says: "The hard rains and wind storms that generally come about the time the young birds are wanting to try their wings, do great damage to all our birds from the Wild Turkey to Hummingbird."

Concerning Bobwhites, Mr. Orville Calhoun, Abbeville, writes: "When an extremely wet season comes, they suddenly decrease in numbers, and the next year they do not recover their original numbers, tho the season is good." Doubtless, this is due to the fact that the causes of decrease of bird life have operated to decrease the breeding stock in the interval between the bad and good breeding seasons. If after a decrease of this kind the remaining birds are closely shot by gunners, as is usually the case, it will be impossible for them to recover their former abundance.

Dr. Hornady cites instances of Quail shooters who deplore the killing of Quail by the severities of the weather, but who will not stop Quail shooting on account of it.¹ Mr. Wayne records a notable destruction of Woodcock near the coast: "The Woodcock arrived in countless thousands. . . . They were everywhere and completely bewildered. Tens of thousands were killed by would-be sportsmen, and thousands were frozen to death. The great majority were so much emaciated that they were practically fearless and of course were unable to withstand the cold. One man killed two hundred pairs in a few hours. . . . It will

¹Hornady, W. T., *Our Vanishing Wild Life*, p.89.

be many years before this fine bird can establish itself even under the most favorable conditions.”²

The species mentioned as most affected by unfavorable weather conditions are: Bluebirds, Purple Martins, Chimney Swifts, Cardinals, Kingbirds, Ground Doves, Bobwhites and other species more or less. No advantage should ever be taken of any form of useful wild life which is suffering from the severities of weather or other natural causes. In many parts of the country it has become the custom to feed the birds as long as snow is on ground. A close season should be put on any species of game bird which has been greatly reduced from any cause.

Native Natural Enemies

The following is a list of the native natural enemies given as causing a decrease in bird life with the numbers reporting each:

<i>Natural Enemies</i>	<i>Number Reporting</i>
Hawks	48
Snakes	24
Foxes	20
Owls	18
Jays.....	16
Crows	5
Wild Cats.....	1
Minks	1
Skunks	1
Opossums	1

In a state of nature undisturbed by man the native natural enemies of birds do not cause any great reduction in their numbers. When the first settlers came to this country the native natural enemies were very abundant and so were the birds. In a state of nature undisturbed by man, the native natural enemies are the friends of birds. By killing off the weak and unfit they keep birds strong, alert and active.

²Wayne, A. T., *Birds of South Carolina*, p. 45.

The larger natural enemies destroy the smaller ones: Crows and Jays destroy smaller birds; Hawks and Owls destroy Crows and Jays, thus preserving what is known as the balance of nature, or the adjustment of nature's laws. But thru man's interference, this balance or adjustment is often upset, and the native natural enemies of birds may become so numerous as to be positively harmful. When this happens these native natural enemies should be reduced in numbers but not wholly destroyed, for it is not known what disastrous results might follow the destruction of a single species.

Forty-eight observers report Hawks and eighteen report Owls as very injurious. It is most unfortunate that two families of birds having so many good members as the Hawk and Owl families should be so hated and persecuted because of the evil ways of a few exceptions. Detailed examinations of the food habits of these birds show that only three Hawks, viz: Cooper's, Sharp-shinned, and Duck Hawks, and one Owl, the Great Horned, do more harm than good. The Duck Hawk is so rare in this State, it need scarcely be taken into consideration.¹ Cooper's and Sharp-shinned Hawks destroy many birds and most of the poultry for which all hawks are persecuted. The Great Horned Owl is found only in deep woods.

Nearly all the common snakes are said to eat birds and eggs, but the most destructive is the pilot black snake. Crows and Jays are destructive to bird life by robbing the nests and destroying the eggs and young of other birds. The Crow and Jay have some useful habits which atone for this destruction, tho neither should be allowed to become so numerous as to be seriously destructive.

The native four-footed enemies of birds do some harm: Foxes, wild cats, minks, skunks and opossums. But they do some good in other ways. The natural enemies introduced into this country which have become very injurious to native birds are: English Sparrow, dog, horse, cat and hog. As the destruction caused by them is due indirectly to

¹Wayne, A. T., *Birds of South Carolina*, p. 77.

man, the reports concerning them will be tabulated and discussed in the section devoted to the causes of decrease which are traceable to man.

Causes of Decrease

As effectual as the above mentioned causes may be in reducing bird life under certain conditions, they cannot be compared with the destruction caused both directly and indirectly by man. History teaches that no species has ever been exterminated by native natural enemies or by the elements. Those species which have been so ruthlessly and recklessly blotted out of existence owe their destruction to the agency of civilized man.

The reports on the diminution of bird life caused by man are tabulated to show the relative importance of each cause in the judgment of those reporting:

Tabulated List of Causes

<i>Cause</i>	<i>Number Reporting</i>
Sportsmen and so-called "Sportsmen".....	97
Negroes	96
Hunting out of season.....	69
Burning over woods and fields.....	68
Guns in the hands of irresponsible boys (and men)...	67
Cutting away fence-rows and hedges.....	58
Nest robbers.....	54
Market Hunters.....	54
Slingshots and airguns.....	37
Draining Swamps.....	32
Milliners' hunters.....	17
Clearing land	12
Increase in number of hunters.....	7
Pot-hunters	7
Destruction of cover and nesting sites.....	6
Increase in number of gunners from factories.....	4
Excessive hunting.....	4
Decrease in amount of grain sown.....	3
Hunting season too long	3

Tabulated List of Causes (Con.)

<i>Case</i>	<i>Number Reporting</i>
Increase in number of guns.....	3
Rapid transportation afforded by automobiles	3
Use of automatic and pump guns.....	2
Outside hunters from North.....	2
Trapping	2
Negro houses in corners of woods	1
Improvement in fire-arms and use of smokeless powder	1
Cheap guns.....	1
Fishermen who carry guns and shoot promiscuously..	1

Imported Enemies

Cats.....	52
English Sparrows	32
Dogs	31
Hogs	1

Sportsmen and So-called Sportsmen

Among all the forces which destroy bird life, in the opinion of those reporting on this question, the man who shoots takes first rank, ninety-seven votes placing him at the head of the list. Of the thirty-three causes of destruction given, twenty relate to shooting, six to man's activities which result in the destruction of food plants, nesting sites and cover, four to harmful species of animals which man has turned loose on birds. Of the three remaining causes given, nest robbing and trapping result in direct destruction while the decrease in the amount of grain sown would affect a species locally only.

Under present conditions, the only excuses which man can offer for his direct destruction of bird life are those of food and sport. Doubtless much barbarity is often practiced and many crimes committed in the name of sport. Today much is being heard of the "Ethics of Sportsmanship," and in, at least one of the sportsmen's

clubs of the country no dove shooter can enter,¹ and in others, no man is eligible for membership who uses a pump or an automatic gun.² With Mr. Forbush, the true sportsman recognizes that even a bird has some rights, and he is willing to give it, at least a chance for its life.

True sportsmen observe the spirit as well as the letter of the law. They recognize and respect the rights which others share in the birds equally with their own: The rights of the agriculturist, nature lover, student and teacher. True sportsmen are found in the ranks of conservationists, for not only do they wish the supply to last as long as they live, but they wish to hand down the heritage of wild life unimpaired to future generations.

Hunting Out of Season

That birds suffer an all-the-year-round persecution is shown by the reports of sixty-nine observers, who consider hunting out of season a great factor in the reduction of bird life. So-called sportsmen, negroes, pot-hunters and factory men and boys are mentioned as offending in this respect. Most of these persons are uninformed as to the value of birds and the provisions of the game laws. Many do not know the game from the nongame birds.

Mr. E. C. Epps, Williamsburg, considers hunting out of season the greatest cause of decrease. Mr. H. M. Stuart, Beaufort, writes: "Negroes are especially destructive to non-game birds and out of season." Mr. F. M. Weston, Jr., Charleston, reports: "Wild Turkeys and Doves diminishing from being continuously hunted, and out of season." Mr. A. T. Wayne, Charleston, adds as a cause of decrease: "Hunting Wild Turkeys and Woodcock out of season by white men."

In this connection, Mr. J. G. Chafee, Aiken, reports: "The greatest enemy of the Bob-white is the rabbit hunter who hunts at all seasons. During the nesting season and after the young are hatched, the woods are full of rabbit

¹Hornaday, W. T., *Our Vanishing Wild Life*, p. 106.

²Ibid, p: 152.

hunters with a pack of curs and hounds (half-fed) and every covey of young and every nest of eggs is eaten up. The next greatest enemy is the negro with his single barrel shot gun. He shoots at any season. He is no respecter of the mother bird on her nest or while caring for her young."

Plume Hunters

Seventeen reports show that certain species of birds are still being destroyed by milliners' hunters, despite the fact that such birds are on the protected list. In open defiance of the law, plumes from the American Egret are still displayed in the windows of some of the millinery stores in Columbia, and perhaps other cities, and the head-gear of some women bear evidence that the bloody work is still going on. This is a reproach to the State of South Carolina!

Several years ago the Least Terns on Bull's Island were exterminated by plume hunters. The American and Snowy Egrets were fast disappearing when the National Association of Audubon Societies thru its secretary, Mr. T. G. Pearson, located the remnants of a few colonies and employed special wardens to protect them during the nesting season, when the plumes are worn. The Charleston Museum also protects one colony and Mr. L. A. Beckman, superintendent of the Santee Gun Club, rigidly protects the fine colony which nests on the preserve in his care.

But for the protection afforded by these private agencies there is no doubt that the white herons in this State would be exterminated in one season. Mr. H. M. Stuart, Beaufort, writes: "Where I could show the nests and eggs of 500 white herons in season twenty-odd years ago, I could not show one now. There are a few small "hammocks" and ponds where the commoner species of herons breed yet, but I fear they will not last long."

Factory Men and Boys

Much of the decrease in the communities where there are factories is attributed to the numbers of guns in the villages, and the numbers of men and boys who use them against everything which moves. If factory men and boys were instructed concerning the value of birds, the provisions of the game laws and which are game and which are non-game birds, much of this destruction could be prevented.

In this connection Mr. Alex R. Taylor, Lexington, says: "Factory men and boys hunt irrespective of season, from June to June, and the fishermen usually carry guns and often destroy rare birds." Mr. G. E. Holland, Greenville, reports: "The negro and factory element go out in squads and kill everything in sight, in winter when they have nothing to do." Mr. James MacEnroe, Greenwood, writes: "There seems to be a gun in every house in our village and an inborn desire to kill everything that moves."

Nest Robbers, etc.

Nest robbers and irresponsible boys with slingshots, airguns and rifles are ranked high among the agencies most destructive to bird life. In some places an enlightened public sentiment has reduced the number of nest robbers, while in other sections the practice still receives public sanction.

It is unlawful to take eggs from the nests of birds protected by law, except for scientific purposes, and only after having procured the necessary permit from the Secretary of State, which permit holds good for only one year. During the year 1915, only three permits were issued in this State. Notwithstanding this fact, collections of bird eggs are being made, to say nothing of the eggs which are stolen and destroyed in pure wantonness. No bird skin is to be prepared without a permit from the Secretary of State. Nevertheless many would-be collectors are making bird skins without permits.

Boys who are allowed to run amuck with slingshots, airguns, .22 caliber rifles, etc., slay their thousands. Dr. W. C. Kollock reports that a boy was seen near the Charleston Country Club on Thanksgiving Day with five Mockingbirds. Mr. F. L. Willcox, Florence, believes that next to the cat, the greatest enemy of song and insectivorous birds generally, is the small boy. Mr. R. B. Belser, Sumter, considers that, in the destruction of small birds, boys with the above mentioned weapons will take front rank.

It is deplorable that the young in the most formative period of their lives are permitted and encouraged to expend upon the destruction of a public resource the energy and means which should be used in its conservation. If civilization rests on obedience to law, the young who engage in this slaughter in defiance of the law, are worse than savages. There should be an age limit for shooters, and children should be taught at home and in school, the reasons why the State and Nation protect birds, and the seriousness of breaking of these laws. Such instruction could be made one of the best means of training in good citizenship.¹

Destruction of Cover, Nesting Sites, Etc.

Burning over woods and fields, cutting away fence-rows and hedges, draining swamps, clearing land, cutting away undergrowth, shrubbery and vines affect birds injuriously thru the destruction of their nesting sites, cover and food plants. Burning over woods and fields in the spring destroys the nesting sites, nests, and often the young of many birds. Sixty-eight observers report great destruction from this source.

As population increases, the forests must give way to cultivated fields. Fortunately few species inhabit deep forests. Most of them prefer small wooded areas near cultivated fields, gardens and dwellings, provided they

¹Hodge, C. F., *Nature Study and Life*, p. 306.

find enough nesting sites, shelter, food, water and safety to make it attractive to them.

Every scheme for clearing or draining land or for replanting land which has already been cleared, should take into consideration the requirements necessary for attracting and holding the bird population. It should be an easy matter for every farmer to leave fence-rows, hedges, tangles of blackberry vines, wild honeysuckle, bamboo and plum thickets for his friends, the birds. Useless burning of woods and fields should cease.

The Exterminative Practice of Market Hunting

That the deadly and iniquitous practice of market hunting is resulting in the steady slaughter of our game birds is shown by the reports of fifty-four observers from almost every county in the State. Mr. D. H. Trezevant, Calhoun, considers this to be one of the most potent causes of decrease. Dr. W. T. Hornady says: "There is no influence so deadly to wild life as that of the market gunner who works six days a week from sunrise until sunset hunting down and killing every game bird that he can reach."¹

The market hunter kills as many birds in a day as possible. That is his "business." The higher the price per bird that he receives in the market either for food or hat trimmings, the more birds he tries to kill. The lower the price, the more he must kill. The reports of more than half a hundred observers show that the few restrictions placed upon the killing and sale of game are successfully evaded. The game of the State belongs to the whole people of the State and market hunting is a class privilege and a robbery of the people at large.

Pothunting

The pothunter is also one of the most pernicious enemies of bird life. Neither the market nor pothunter has any scruple as regards how or where they procure their prey.

¹Hornaday, (W. T.) *Our Vanishing Wild Life*. p. 64.

Several reports show that pothunting goes on all the year round, in season and out. Mr. J. G. Chafee, Aiken, considers the pothunter one of the worst enemies of the Bobwhite, and reports: "The pothunter shoots them on the ground, traps them, etc." Food is so plentiful and so easy to obtain with a little work, that there is no excuse for pothunting. The birds which still remain to us are too valuable as crop-protectors and as objects of sport and study, to be exterminated by the pothunter and market hunter.

Automobiles, Etc.

Decoys, blinds, traps, baits, automobiles, improved fire-arms and smokeless powder all have their part to play in the drama of destruction. Mr. W. A. Klauber, Bamberg, says: "The automobile is the bird's worst enemy, as it enables sportsmen to go from fifteen to twenty-five miles from town in one afternoon." Mr. A. L. Youmans, Hampton, believes that the automatic and pump gun and hunting out of season are the greatest causes of decrease of game birds.

Mr. A. J. Cox, Williamsburg, writes: "So-called sportsmen who live in town, own automobiles, kennels of dogs and automatic guns cause the greatest destruction." Mr. F. L. Willcox, Florence, considers the decrease of Bobwhite due to hunters and the greater facility for transportation afforded by automobiles. Michigan is one of the first States to restrict hunting of game by automobiles. The game laws as amended by the last legislature of that State prohibit the use of automobiles in hunting Bobwhites.

The army of gunners which takes the field every fall is larger and better equipped than the one which preceded it. Speaking of conditions of thirty or more years ago, Mr. Frank Hampton, Richland says: "In and near Columbia, not more than twenty people did much shooting. Two-hundred would be a conservative estimate now, and with better guns and ammunition and automobiles to take them thirty miles into the country, instead of from two to

six miles of thirty years ago, it is going to be a hard job to check the slaughter. Short season and strict enforcement of the law may help." Mr. B. D. Dargan, Florence, estimates that gunners have increased two-hundred per cent in the last four or five years. In the meantime, improved guns, and other mechanical agencies of destruction, dogs, cats and English sparrows have increased in proportion.

Negroes

The reports show that as an agency of destruction, the negro, armed with his cheap gun, and with packs of half-starved, mongrel dogs at his heels is a terrible scourge to wild life. He kills in season and out of season, non-game as well as game birds. He is a pot hunter of the worst type. He robs nests, shoots Bob-whites on the ground and kills the parent birds. His cabins are often built in the corners of woods and other isolated places, and thus he is enabled to roam the country and shoot indiscriminately without fear of detection. During the nesting season his half-fed dogs scour the woods and fields and destroy all the eggs and young of ground nesting birds which they can find. Why do sportsmen permit such slaughter?

In the judgment of ninety-eight observers, awful destruction results from this source. Maj. Harry Hammond, Aiken, reports, that gunners have been trippled since the negro acquired the use of the shotgun, and that dogs have also greatly increased. Mr. G. A. Jennings, Bamberg, writes: "Decrease in Bob-whites caused principally by breech-loading shot-gun and the accuracy of the negro's aim which he has acquired in the last twenty years." Capt. S. G. Stoney, Charleston, reports: "The negro with the single barrel breech-loader is responsible for the greatest destruction of song and all other kinds of bird life." Mr. Cleveland Saunders, Colleton, writes: "The Partridge is killed in mating season with a shot-gun. Every negro owns a single barrel shot-gun." Mr. B. D. Dargan,

Florence, says: "Negroes do a great deal of harm by shooting and trapping."

Mr. M. S. Haynesworth, Florence, writes: "All kinds of birds are indiscriminately slaughtered by negroes just for the fun of it." Mr. F. L. Wilcox, from the same county, reports: "Numbers of Bob-whites are killed in mating season along the roads which are favorite places for wallowing, and which the negro travels nearly always with a single barrel gun." Mr. J. F. Bamberg, Bamberg, writes: "Every negro in this section carries a gun in his buggy or wagon." Mr. H. M. Stuart, Beaufort, reports: "The negro carries his cheap gun instead of a walking stick all times of the year. Everything not tame is his game."

Mr. Karl Dargan, Darlington, says: "Destruction is done by negroes who do not know the value of birds." Mr. J. E. Singletary, Berkeley, writes: "Negroes are very destructive to bird life." Mr. E. L. Wells, reports from the same county: "The negro is more destructive to bird life, in season and out of season, than all other causes combined." Mr. Patrick Wall, Beaufort, reports: "There are negro pot hunters who shoot game of all kinds at all seasons." Mr. Wayne writes: "The greatest enemy is the negro who never passes a nest of this fine bird (Bob-white) without taking the eggs even when they are on the point of hatching."¹

The killing of Cardinal or Redbird for use as fish bait has come under the writer's observation. Negroes have never been taught the value of birds, neither have they systematically restrained from promiscuously killing them.

Natural Enemies Introduced by Man

The most harmful of all natural enemies of bird life are those which have been brought into this country by man. The destruction caused by hawks is not to be compared to that done by cats because the latter are so much more numerous. Fifty-two correspondents report the cat as one of the worst enemies of birds.

¹Wayne, A. T. *Birds of South Carolina*, p. 64.

Dr. W. R. Eve, Beaufort, writes: "Cats destroy a great many birds especially Mockingbirds." Mr. J. C. Dye, Chester, reports: "House cats are one of the worst enemies." Mr. H. E. Ketchin, Fairfield, writes: "Cats do most harm by catching young birds just after they leave the nest." Not only is harm done by homeless stray cats, but by well-fed house cats, also. Cats prowling at night destroy many nests. Mr. E. H. Forbush, State Ornithologist of Massachusetts, estimated that in good hunting ground each mature cat will kill on an average fifty birds a year. He reports that a well cared-for pet cat killed fifty-eight birds in one season, including the young in five nests. Every cat found hunting out in the open should be killed at once, and all homeless cats and superfluous young kittens should be disposed of kindly and painlessly.

A great injury was done many species of smaller birds when the English Sparrow was introduced a little more than sixty years ago. Owing to its rapid increase it has spread all over the country and has driven many song birds away from towns and cities. Mr. J. M. Johnson, Jr., Marion, writes: "The purple Martin visits this community in small numbers, while not more than three years ago they were by thousands. I believe the English Sparrow is largely responsible for the scarceness of the martins, for the almost imperceptible recovery of the Bluebird from the effects of the 1898 blizzard, and for the banishment from the city districts of almost all bird life." Mr. F. L. Willcox, Florence, reports: "The Purple Martin has been driven out largely by English Sparrows.

English Sparrows mob other birds, take the nesting sites, break up the nests, destroy the eggs, kill the young and make themselves so thoroly despicable that no self-respecting bird wishes to live near them. The Mockingbird, Bluebird, Wren, and Purple Martin have suffered especially from this pest. Any plans for attracting and protecting our native song birds, especially those nesting near dwellings, must include warfare against this enemy. Persons interested should write to the U. S. Department

of Agriculture, Washington, D. C., for bulletin entitled, "The English Sparrow as a Pest."

The dog is reported as being one of the most potent causes of the destruction of certain birds. This subject will be discussed in connection with the reports concerning the destruction done by dogs roaming at large during the birds' breeding season.

Doubtless more destruction than is realized is done by hogs to ground nesting birds. On this subject Mr. C. J. Epps, Horry, says: "Owing to no fence law, hogs destroy many partridges, breaking up nests and eating young ones."

The Awful Destructiveness of Dogs.

To the request for reports concerning the degree of injury done by dogs roaming at large during the birds' breeding season, 138 replies were received. Of these 8 correspondents report not knowing and 5 report no damage in their localities. Mr. C. S. Saunders, Colleton, writes: "None to my knowledge and I own 12 hounds and 2 bird dogs."

Counties reporting the least destruction from this source are: Colleton, Dorchester, Horry, Jasper, Georgetown, and Oconee. All are on or near the coast except one.

Forty respondents report damage ranging all the way from "none hardly" (6), "not much" (18), to "not a great deal" (16). The degree of injury estimated by the remaining 85 ranged all the way from 20%, 50% and 75% to "destruction of all nests and young found." Of this last number many hesitated to make an estimate of percentage, describing the destruction as "vast", "immense", "tremendous", and "more than from any other source."

In an estimate of the damage done by either cats or dogs the personal element will enter largely. It is difficult for the owner of a cherished pet cat or a well beloved dog to believe that the animal in question is destructive to the nests and young of birds. But the evidence derived from this investigation and from investigations conducted by others in other parts of the country shows that the

well-fed cat and the well-cared-for dog take their toll of bird life, to say nothing of the injury done by the countless numbers of homeless cats and half-starved, half-breed dogs which overrun the country.

The reports show that the destruction is great to ground nesting birds, the noble Bobwhite being the chief sufferer. The following varieties of dogs are mentioned as doing the harm: Bird dogs, half-breed pointers and setters, roaming dogs, curs, hounds, mongrels, the "yaller dog", half-fed curs, half-breed dogs, half-starved curs of bird dog mixture, stray dogs, loose curs, half-starved hounds, etc. Most of these except bird dogs are spoken of as "belonging mostly to negroes and irresponsible parties, living off the country and generally escaping taxation." Mr. Patrick Wall of Beaufort estimates that they do 20% of the injury. He writes: "These dogs belong to negroes who do not feed them. They break down our corn and eat it from the time it is in the mutton until it is harvested."

Mr. E. C. Epps, Williamsburg, says: "It is impossible even to estimate this loss." Mr. J. H. Steele, York, says: "The negro and his dog do more damage to birds than natural enemies, both in a direct and an indirect way." Mr. C. W. Boykin, Williamsburg, reports: "Yellow dogs and starved out negroes' dogs are very destructive to the nests and young of birds." Mr. L. W. Boykin, Kershaw, believes: "50% of the destruction to Bobwhites is done by stray or half-breed dogs belonging to negroes. They have a good chance to break up nests on account of the scarcity of cover."

Mr. B. D. Dargan, Florence, writes: "Considerable destruction is done by poorly fed and half-breed dogs which have to get their living the best they can." Mr. E. M. Andrews, Darlington, writes: "Fifty per cent of destruction is done by bird dogs loping around in spring and summer." Dr. L. B. Bates, Calhoun, reports: "Very great destruction is done as negroes own a great many dogs which have to hunt for their living. Not only bird dogs but all kinds of dogs do this destructive work." Mr.

F. M. Weston, Jr., Charleston, writes: "Dogs destroy a number of Bob-white nests, but the destruction does not seem to have any marked effect upon the numbers of species." Mr. Orville Calhoun, Abbeville, says: "Poorly fed dogs which live in summer by hunting eggs, etc. and generally escape tax, are the most important cause of decrease, especially to those which nest on the ground." Mr. H. C. Summers, Anderson, reports: "Considerable damage is done by countless half-fed dogs which roam the fields night and day, owned mostly by negroes." Mr. R. B. Belser, Sumter, writes: "Very considerable destruction is done by roaming dogs of negroes, which suck the eggs and break up the nests of ground-nesting birds." Mr. A. R. Taylor, Lexington, believes: "Dogs belonging to negroes and other irresponsible parties who let them roam the fields to forage do immense damage." Mr. J. M. Whitehead, Union writes: "Roaming dogs do as much damage perhaps, as any two or three other destructive agencies combined." Mr. W. C. Shaw, Anderson, reports: "Bird dogs hunt the nests of birds and destroy hundreds of them." Mr. W. R. Smith, Sr., Newberry, is of the opinion that half-starved mongrel dogs owned by negroes and irresponsible parties, by breaking up the nests and destroying the young of birds, cause seventy-five per cent. of the decrease." Mr. A. A. Coleman, Greenwood, reports the following case as convincing evidence in his opinion, of the harm which stray dogs do: "On a farm of about six thousand acres where practically all the tenants are negroes who own various kinds of dogs, there is a very strict rule that all dogs running loose in summer shall be shot. Altho there is about as much hunting on this place as on adjoining places, with cleared land and cover about the same, there is twice as much game."

There seems to be no doubt that the State is full of worthless dogs which escape taxation. An interesting and enlightening illustration has been furnished by the city of Florence. Last September, a census was taken of the Florence school district, as required under the compulsory education law. To the one hundred and twenty dogs

reported to the auditor, five hundred and forty-four more were added by the census taker. Mr. Hartwell M. Ayer, a member of the school board, writes: "The census taker did not get half the number as it is. I, for one, can add a dozen to their list, but they got all they could see around the places, and that the people would admit they had. They would deny owning a dog that barked at the census taker when he went into the yard." It is probable that this condition of affairs is typical of what exists in other parts of the State.

Not only do hungry roaming dogs do immense damage in summer by destroying birds and living on the community generally, but they are a great menace on account of hydrophobia. The dog population of the State should be reduced, not only from principles of economy and as a safeguard to the health of the community, but from humane sentiments also.

The Barbarous Practice of Dove Baiting

There are only two States in the South in which dove baiting, or shooting doves over baited fields, is practiced. South Carolina is one of them. The sportsmen of Georgia brought about the cessation of the custom in their state several years ago.

Doves flock to baited fields in large numbers. In order to have the birds come within easy range, gunners erect blinds from which they pour forth a murderous fire with pump and automatic guns. The doves which escape the first deadly assault return for the next volley, and this they continue to do, in reduced numbers thruout the day, giving the shooters an opportunity to fire at each dove time and time again.

The reports show that the counties in which dove baiting prevails to a large extent are: Aiken, Bamberg, Barnwell, Calhoun, Orangeburg, Spartanburg, Edgefield, Hampton, Jasper and Kershaw. To a lesser degree it is practiced in Abbeville, Saluda, Anderson, Lexington, Beaufort, Richland, Sumter, Charleston, Clarendon, Darlington, Dillon, Horry and Lee.

Mr. John G. Chafee says that dove baiting prevails to a large extent in Aiken county and that doves seem doomed to extermination. Mr. Ashton Head of the same county writes: "Wheat fields have been sown for the last fifteen years for dove shoots. I have known as many as four hundred doves to be killed in one wheat field in one day." Mr. H. M. Stuart of Beaufort says on this subject: "Dove baiting prevails in my county in only a small way, but they are overshot and their nesting places are becoming scarce." Mr. Idis Brabham, Barnwell, writes: "Doves will be exterminated in a very short time if dove baiting continues. Dr. L. B. Bates of Calhoun believes that doves are near extermination from baiting and shooting. He writes: "Hundreds are killed in one afternoon. When ground is plowed over and food is scarce they flock to baited fields and are subjected to a merciless slaughter." Mr. A. L. Youmans, Hampton, writes: "Dove baiting is practiced in this county, is very destructive and should be stopped." Mr. F. H. Arrants, Kershaw, believes that the practice should be stopped. It prevails in his county to some extent. Mr. B. F. Taylor, Richland, reports: "No baiting, but fields uncut draw droves and they are then shot in large numbers." Mr. W. C. White, Chester, writes: "No real baiting but a good many are shot in their feeding places, such as wheat and stubble weed fields."

In allowing doves to be slaughtered over baited fields, the reduction in numbers may not only affect South Carolina, but other States as well. A letter for information on this subject was sent to Dr. Wells W. Cooke, of the Bureau of Biological Survey, the authority on bird migration in this country, and the following reply was received: "Concerning the doves which winter in your neighborhood, it is absolutely impossible to say where those particular individuals nested. The probability is that you have with you thru the winter some individuals which nested in South Carolina, and also others which nested all the way from there to southern Canada."

If this be true, this State not only depletes her own crop of doves but that of other States, also. Doves are among

the most valuable weed seed destroyers, and South Carolina should follow the good example set by Georgia and speedily enact proper legislation for their protection.

Knowledge of, Respect for, and Enforcement of the Game Laws

The replies to requests for information concerning the knowledge of, respect for and enforcement of the game laws have been classified thus:

	<i>Yes</i>	<i>To a Certain Extent Only</i>	<i>No.</i>
KNOWN	66	43	38
RESPECTED	34	53	47
ENFORCED	18	20	65

While the laws are very probably well known to all true sportsmen, it is almost absolutely certain that they are unknown not only to the vast majority of those who contribute to the many ways of destroying bird life but to the public at large. A reference to the summary of causes of decrease of bird life on a preceding page leads to this conclusion.

A public uninformed as to the provisions of State and National game laws can hardly be expected to demand the enforcement of these laws, or to support the game wardens in the discharge of their duties. Many persons who make an honest effort to acquaint themselves with the State game laws are discouraged by the barriers presented by the lack of uniformity of these laws. One report reads: "The laws are respected by the better element of gunners where known and understood."

Of the one hundred and thirty-three who responded to that portion of the question in regard to the enforcement of the laws, eighteen report the laws enforced; fifty report enforcement to a certain extent only; sixty-five report non-enforcement.

As regards enforcement, the answers which have been placed under the head, "To a certain extent only," include such terms as "fairly well," "reasonably well," "per-

functionally," "partially," "slightly," "scarcely ever," "seldom," "not much," "very little," and on down to "absolutely disregarded." Five correspondents report laws enforced by private landowners; 3, laws known, respected and enforced better than formerly; 3, laws enforced better recently; 2, prospects better for enforcement this season than ever before; 2, not enough game wardens; 1, law as to partridges better enforced than law as to small birds; 1, game laws very complicated and no effort toward enforcement; 1, enforced by private landowners, conscientious sportsmen, and law-abiding citizens; 1, better spirit developing toward the game laws; 1, game laws not generally understood; 1, negroes, small boys and factory class know no difference between game and non-game birds.

Col. J. C. Stribling, Anderson, writes; "Laws known but not respected as they should be, altho better than they have been for several years." Mr. J. G. Chafee, Aiken, reports: "Game laws of South Carolina very complicated. In Aiken county, absolutely disregarded. No effort toward enforcement." Mr. J. E. Singletary, Berkely, believes: "Laws disregarded. No one to enforce them."

Mr. C. S. Saunders, Colleton, reports: "Laws not enforced." Mr. J. D. Holstein, Edgefield, writes: "Laws not well known, still less respected and not enforced." Mr. Jas. E. Bryan, Horry, says: "Laws relating to migratory birds not generally known." Mr. J. W. Canty, Kershaw, reports: "Laws not accurately known, but little respected except by sportsmen, and not at all enforced." Capt. S. G. Stoney, Charleston, writes: "Laws not known, respected or enforced."

Mr. L. A. Beckham, Charleston, reports: "Laws generally known, respected by law-abiding citizens and enforced by private landowners, but not by game wardens." Mr. F. M. Weston, Jr., Charleston says: "Laws not widely known, not at all respected and seldom enforced." Mr. A. K. Smoak, Calhoun, believes: "Laws enforced; we have a very efficient game warden." Mr. W. C. White, Ches-

ter, writes: "Game laws not well known, reasonably well but very rarely enforced."

Mr. R. S. Rogers, Dillon, reports: "People do not generally hunt out of season. Fish are netted in open violation of the law." Mr. L. A. Walker, Dorchester, writes: "Laws not well known, only in part respected, and not enforced." Mr. W. B. Ryan, Jasper, says: "Laws known, but neither respected nor enforced." Mr. A. R. Taylor, Lexington, reports: "Laws are known and respected by the old hunters but not by the factory class. Not enforced." Mr. W. L. Sanders, writes: "Only partially enforced and not generally understood." Mr. H. W. Beall, Sumter, says: "Laws very well known, slightly respected and hardly ever enforced." Mr. A. J. Cox, Williamsburg, reports: "Laws not known, respected or enforced." Mr. W. H. Wylie, Chester, reports: "Laws not fully known, and where known, are not respected by even white people who claim to be Christians."

Several reports show that the game laws are being enforced better than ever before, especially during the last three years, or since there has been a regularly salaried officer; that the laws protecting game birds are better enforced than the laws protecting non-game birds; and there are not enough paid game wardens. Mr. C. F. Dill, Greenville, writes: "Birds decreasing from lack of enforcement of the laws. No warden except the chief is paid a salary for lack of funds." The further conclusion is reached that the public is woefully ignorant of the game laws and that these laws are neither observed nor enforced as they should be.

Suggestions by Observers for the Better Protection of Birds

If any further doubt exists that an average or fair and unprejudiced opinion places on man responsibility for the greater part of the destruction of our valuable bird life, a reference to the tabulated list given below of the suggestions by observers for the better protection of birds against man and their natural enemies will be convincing.

Of the 112 suggestions received, only 8 are for coping with the causes for which man is neither directly nor indirectly responsible (natural enemies). The suggestions for better protection have been arranged under the following heads, with the numbers reporting each: Education, 33; Enforcement of law in general, 37; Tax on dogs, 46; Tax on guns, 15; Cats, 7; Game wardens, 19; Hunting license, 12; Season limit, 18; Natural enemies, 14; Miscellaneous, 22.

Education

Educate people to appreciate good that most birds do, 12; Educate thru schools, newspaper publicity bureaus, etc., 8; Teach children thru public schools the value of birds, 5; Teach importance of birds to agriculture, 2; Have every school in the State teach the value of birds, 2; Education of boys as conducted by the Charleston Museum, 1; Farmers teach negroes the value of birds, 1; Have Bird Day in schools, 1; More publicity, 1.

Enforcement of Laws in General

Enforce laws on statute books, 15; Better enforcement of present laws, 7; Strict laws, 4; More stringent laws, 2; Enforce laws protecting small birds, 2; Appreciation and enforcement of game laws, 1; Enforce game laws by imprisonment, no fines, 1; Rigid enforcement of present laws, especially against nest robbers, 1; Enforcement of laws protecting non-game birds, 1; Enforcement of laws as regards season, 1; Enforcement of laws against white man as well as negro, 1; If possible enforce law but juries will not convict, 1; Rigid enforcement of present laws, 1.

Tax on Dogs

Confine dogs during birds' breeding season, 11; Kill all mongrel roaming dogs, 10; Tax dogs \$5 each, 3; Dog tax, 3; Tax dogs \$2.50 each, 3; Dog and gun tax, 2; State and county tax on all dogs from \$1 to \$5 each, 2; Dog law, 1; Tax dogs \$3 each, 1; Dog and gun license, 1; Higher tax

on dogs, 1; Tax bird dogs \$5 each, 2; Heavy tax on bird dogs, 1; Keep dogs muzzled during birds' breeding season, 1; Heavy tax on female dogs and premium on every one killed after having been seen three times without tax collar, 1; Curtail numbers of negroes' half-fed dogs, 1; High dog license to prevent negroes from having so many, 1; Strictly enforced dog and gun license, 1.

Tax or License on Guns

Tax guns \$2.50 each, 1; Shot gun tax, 1; High tax on guns, money to be used for school purposes, 1; Gun and dog license, 1; Gun and dog tax, 1; Tax shot gun and rifles, 1; Gun tax and hunting license, 1; Tax with license on every shot gun and sporting rifle \$2.50 per year, 1; Statewide hunters or gun tax, 1; Statewide gun license, 1; Every shot gun \$1 license, 1; Statewide hunting or gun tax no exemptions, 1.

Hunting License

Resident hunting license, 3; Make hunting license \$25, 1; Hunting license \$3, 1; License for merchants who sell guns, 1; License for carrying gun at all, 1; Hunting license in addition to gun tax, 1.

(As the material from which this report is compiled is drawn from replies to a questionnaire sent out before the resident hunting license law became effective, in order to get an average of opinion as to the effects of the said law and bring the subject matter up-to-date, requests for information were submitted to those men who had been public-spirited enough to reply to the former inquiry, in those counties fortunate enough to have the resident hunting license law. A discussion of the matter contained in these replies will be given later.

Season Limit

Short hunting season, 6; Closed hunting season, 3; Uniform open season for all coast counties, 1; Closed hunting

season from 3 to 5 years, 1; Closed season for several years, 1; Five year close season for Wood Duck, 1; Close season for 2 years, 1; Reduction of open season to two months, December and January, 1; Close hunting for 2 years, 2; Close hunting season from 2 to 3 years, 1.

Game Wardens

Paid game wardens, 10; Game wardens who will do their duty, 6; Active wardens in every township or locality, 3; Better game wardens, 3; More game wardens, 2; Game wardens appointed by reason of fitness, 2; Wardens working in conjunction with rural police, 1.

Cats

Kill stray cats, 2; Kill nine-tenths of the house cats, 1; Cat tax, 1; Tax cats fifty cents, 1; Confine cats during birds' breeding season, 1; Better laws as to cats which run at large, 1.

Natural Enemies

Bounty on hawks, 3; Bounty on English Sparrows, 2; Destroy natural enemies, 2; Rigid warfare on natural enemies, 2; Bounty on skunks and other vermin, 1; Encourage destruction of hawks, 1; Reduce number of crows, 1; Reduce number of jays, 1; Reduce number of foxes, 1.

Miscellaneous

Prohibit use of traps, 5; Limit number of hunting days a week, 3; Limit number of birds killed in a day, 1; Post land, 3; Restore forests, 1; Do away with modern fire-arms and call back old muzzle-loading shot gun, 1; Completely stop man, 1; Make it a serious crime to kill any bird and reward the informer, 1; Limit number of birds to each gun including ducks, 1; Let the birds alone, 1; Make game and fish laws intelligible, 1; Prohibit Sunday hunting, 1; Provide more nesting sites, 1; Co-operation of county, town and city officials in the enforcement of the game laws, 1;

Make it a chain gang offense to kill any bird at any season,
1: High non-resident hunting license, 1.

A Discussion of Some Suggestions Given by Observers for the Better Protection of Birds

The three most important suggestions given in the above table are: 1. Education of the masses as to the value of birds. 2. Uniform game legislation. 3. Paid officers to enforce the law.

Education

Thirty-three observers report education as the most vital need in solving the important problem of bird protection. The suggestions made for effecting this are: schools, newspapers, lectures, bulletins and discussion and agitation of the subject whenever and wherever possible. Mr. Neils Christensen, Beaufort, sums up the matter thus: "Educate the people. As soon as they know the facts they will demand laws and their enforcement." A particularly valuable suggestion is made by Mr. Karl Dargan: "Farmers should teach negroes the value of birds." Mr. F. L. Willcox, Florence, reports: "Negroes, small boys and aliens know no difference between game and non-game birds." Mr. P. V. Moore, Spartanburg, suggests: "A campaign of education showing farmers the economic value of birds as insect destroyers." Mr. C. J. Epps, Horry, suggests: "Have the public schools especially in the country teach children the value of birds." In some States it has been found that even the game wardens did not know the game from the non-game birds.

The game warden department is supported by the game protection fund, but not one dollar of the State's money is being expended for the education of the people in bird protection, so that they will hold up the hands of the chief game wardens and his deputies in the performance of their duties. Because of this the usefulness of the State game department is largely nullified. Were it not for a few public spirited individuals working mostly thru

the State Audubon Society, there would be no organized effort in the direction of this important work.

Reports from Charleston show that the work of the natural history society of the Charleston Museum in fostering bird is most valuable. Several reports from different sections of the State bear witness to the effective work done in the interest of bird protection a few years ago by Mr. B. F. Taylor, president, and Mr. James Henry Rice, secretary, of the State Audubon Society. As field agent for the National Association of Audubon Societies, Mr. Rice carried on an important campaign for the study and protection of birds.

The attention of teachers and bird students is called to the valuable work being done in cooperation with the schools of the country by the National Association of Audubon Societies thru its secrstary, Mr. T. Gilbert Pearson, 1974 Broadway, New York, in the formation of junior audobon classes. By paying only ten cents each child may become a member of a junior audubon class whose object will be to study and protect wild birds. This money is sent in to Secretary Pearson by the teacher and each child receives the beautiful audubon button and a set of ten colored pictures with outline drawings and descriptive leaflets. The teacher receives a year's subscription to "Bird-Lore," the best bird magazine published.

Bird study is so necessary it should be compulsory in the schools. Bird study is of so much importance to agriculture it should assuredly form a part of any course of instruction to farmers. It is just as necessary and perhaps more so, to have a State ornithologist as it is to have a State forester, geologist or entomologist.

The three agencies thru which this knowledge could be spread abroad are the public schools, farm demonstration work and newspapers. State boards of agriculture, farmers' unions, agricultural societies, educational institutions, sportsmen's organizations and federations of women's clubs should give active support to all meaures which will help to maintain or increase all kinds of wild birds.

Enforcement of the Game Laws

The striking fact brought out by the suggestions from thirty-eight observers regarding the enforcement of the game laws are: 1. Present laws are not enforced as they should be. 2. Game birds are better protected than non-game birds. 3. Juries are hesitant about convicting for offenses against the game laws. 4. Fines are not so sure a deterrent or so great a punishment as imprisonment would be. 5. Laws are more rigidly enforced against the negro than the white man.

A careful study of the situation leads to the conclusion that this condition of affairs is not the fault of the State game department, but is due: 1. To a lack of knowledge on the part of the public of the value of birds and the need for the enforcement of the laws protecting them. 2. To defects in the laws themselves. Mr. H. M. Stuart, a sportsman-naturalist of thirty-five years' experience, suggests: "Cut out all the useless trash in the game laws, (about one-half), local privilege passed by interested persons, etc., make what is left concise and standard for all sections, and enforce it by reliable, paid officers." Proper game laws, properly enforced are neither undemocratic nor unrepugnant. They are essentially in the interest of the people as a whole.

As regards non-game birds, the most important legislation ever enacted in South Carolina for bird protection was the Audubon Law, passed in 1905, which extended protection to non-game birds. This measure was due to the initiative and untiring efforts of Mr. T. G. Pearson, secretary of the National Association of Audubon Societies, and Mr. B. F. Taylor, president of the State Audubon Society.

Reduction in Natural Enemies

The evidence of the causes of decrease proves that the injury from this source, leaving out the English Sparrow, is inconsiderable except in some localities where the native natural enemies of the harmful species have themselves been destroyed. The experience of those States which

have tried bounty legislation shows that such a method is unwise.

Besides being an expense to the State, bounty laws encourage idleness, by inviting loafers to roam the woods and fields at all seasons, and as a consequence all kinds of birds would be destroyed. A bounty on English Sparrows would result in the destruction of many of our native useful species, for few people know the difference, and besides there are other ways of dealing with this pest. A bounty on hawks would cause many beneficial ones to be killed. In paying the bounty, a competent naturalist would have to be employed in each county to pass on the birds.

Bounty laws work injury to agriculture. In any discussion of this subject the case of Pennsylvania is always cited. In 1885 a law was passed providing for the payment of a bounty of fifty cents each for the scalps of hawks and owls. This caused wholesale slaughter. In ten years, 180,000 scalps had been brought in, and \$90,000 paid out. It was estimated that the loss to the agriculture of the State in two years from mice, rats, and insects which had been held in check by these hawks and owls, amounted to \$2,000,000, and the law was quickly repealed.

One observer reports: "In burnt lands hawks do most harm. Burning of country should be prohibited until hawks migrate." On this subject it is instructive and interesting to quote what Wayne says: "When the woods and fields are annually burnt over, the smoke attracts nearly all the Sparrow Hawks in a radius of many miles, who come to feed upon grasshoppers, crickets and other insects that are trying to escape from the flames. On this occasion it is not unusual to see besides the Sparrow Hawks, numbers of Red-tailed and Florida Red-shouldered hawks. These hawks are so intent upon catching insects that they seem to be utterly oblivious of the smoke and sparks."¹

¹Wayne, (A. T.) *Birds of South Carolina*. Charleston Museum, Charleston, S. C., p. 79.

The presence of large numbers of any species of birds in any locality, is not always conclusive evidence that they are up to some mischief. More often the opposite is the case. Only two or three species of hawks and one of owls are injurious. It is a good business proposition to learn to distinguish the beneficial from the harmful ones, and the former should certainly be included in the list of birds protected by the State.

Season Limit

Of the eighteen observers who made suggestions in regard to the season limit, eight advocate a reduction of the close season, and ten suggest a close season of different periods on all game birds or on certain species only.

Mr. R. M. Cooper, Jr., a sportsman of Lee, writes: "Reduce hunting season (for instance on Partridges) to months of December and January." Mr. G. C. Cabell, Orangeburg, suggests: "The bird season should open December 1, and close January 31. That will give all lovers of the sport ample time to hunt." Mr. T. W. Brunson, Jr., Hampton, suggests: "Cut hunting season from March 15, to February 15." Mr. G. A. Malloy, Chesterfield, writes: "Allow no hunting for three years or cut hunting season one-half." Mr. Frank Hampton, Richland, suggests: "A short season and the same for everything. No dove shooting in August. Start when the bird season opens November 15, or later and when the gun is put away let it be until the next 15th of November."

Mr. W. R. Smith, Sr., Newberry, writes: "All hunting should be prohibited for three years. Otherwise our game birds will be exterminated in less than five years." Mr. L. W. Boykin, Kershaw, suggests: "A close season on Wood Duck for five years or three years at least." Mr. G. E. Holland, Newberry, writes: "There should be a law to prohibit the killing of birds for at least two years, and be much restricted after this." "Shorter open seasons will help, but unless the season is made of uniform length, it is ineffectual to shorten season on one species; for when men are in the fields with guns in their hands all game

birds will be shot." Good judgment requires that there should be a close season of a number of years on those species which are nearing extinction. No true sportsman could object to that, especially as the birds do not belong exclusively to him.

Cats

Many suggestions are for measures to reduce the numbers of superfluous cats. Mr. B. F. Taylor, Richland, writes: "Kill nine-tenths of the house cats." Mr. W. D. Brown, Beaufort, suggests: "Better laws as to cats which run at large." The seriousness of the problem is beginning to be felt all over the country. Unsuccessful attempts have been made in New York, Massachusetts and New Jersey to secure State laws for restricting vagrant cats.

The town of Montclair, N. J., has just passed a law to prevent unidentified cats from roaming at large in the streets. Such legislation is kindness to the cats as well as protection to the birds. The Society for the Prevention of Cruelty to Animals put to death nearly 200,000 cats year before last in New York City alone. The cat is recognized as such a destructive agency that it is banished entirely from any place made especially safe and attractive to birds.¹

Dogs, a Curse to the Birds of South Carolina.

Significant of the harm which is done by roaming dogs to wild bird life, is the fact that the largest number of measures proposed by observers are for coping with this problem. The principal suggestions are: First, a good high State-wide tax which will result in a large reduction in the numbers of dogs. Second, confinement or muzzling of the remainder during the bird's nesting season. In order to make the law effective, every dog upon which the tax has been paid, should be required by law to wear a tag

¹Forbush, E. H., *The Domestic Cat*. Massachusetts State Board of Agriculture, 1916.

bearing evidence of the fact. Without this any dog tax is practically worthless.

Mr. S. D. Cross, Chester, suggests: "Have a law to kill all mongrel dogs and tax the owner of every good dog \$5, and do not allow any dogs to run at large." Mr. W. C. White, Chester, suggests: "Tax all dogs \$2.50 per head and do not allow to run at large during the nesting season of partridges. At present I have thirteen dogs but keep them confined." Mr. Albert Teague, Laurens: "Tax dogs \$1 with \$5 penalty for failure to return same, the penalty or part of it to go to the game warden for enforcing the law." Mr. A. R. Taylor, Lexington, reports: "I know one negro who had eight or nine dogs which roamed the woods and fields and he paid taxes on none of them." Mr. W. R. Smith, Sr., Newberry, suggests: "a prohibitive tax so as to do away with so many worthless curs and so many worthless dogs." Mr. H. R. Phillips, Fairfield, writes: "There ought to be a law rigidly enforced to exterminate stray dogs, and a license on all others of sufficient amount to prohibit negroes having so many."

In July, 1915, Mr. C. F. Dill, Greenville reports: "A tax on dogs has been passed for this county, and hundreds of dogs and bitches have been killed in the past two months. Tax is \$1 on male and \$5 on female dogs." Again six months later, Mr. Dill reports: "The dog tax in this county has had a wonderful effect. We have fewer dogs at present than ever before." Capt. S. G. Stoney, Charleston, suggests: "There should be a universal dog tax, and the receipts for this special tax should be subject to inspection at any time by the above agencies, (game wardens and trial justices.) All of the license funds and fines, after paying a percentage of the fine to the informant, should be applied to the payment of the game wardens of the State, and the enforcement of the game laws now in existence and those to be established."

A reduction in the dog population would be a great protection not only to birds, but to human life as well. In his annual report for 1915, Dr. F. A. Coward, Bacteriologist of the State Board of Health, suggests the enactment of a

State-wide registration law for dogs because of the danger from hydrophobia. He says that hydrophobia "is practically epidemic with us, and a dangerous epidemic outbreak of large proportions, which may result in many human deaths, may occur at any time."

Gun Tax

In addition to the resident hunting license law, dog tax and dog license, as above suggested, as an additional means of preventing bird destruction, a gun license is suggested by some observers. Mr. J. W. Cantey, Kershaw, writes: "Besides a license to hunt, there should be stipulated that to carry a gun by anyone a license is required. Gun-totters shoot anything eatable at any season of the year. They are not hunters and want no hunters' license, but shoot anything in the tameness of the breeding season. They are not all negroes." Mr. E. L. Wells, Berkeley, suggests: "It would crush the negro shooter and make identification of law breakers much easier. The game laws are now a humbug."

Resident Hunting License.

Dr. T. S. Palmer, in charge of game preservation of the United States government writes: "One of the most difficult problems of game protection in some States is the question how to cope with the negro and his dog. A good resident hunting license law and a good dog law will go a long way toward solving the problem."

The main objects of a resident hunting license law should be: First, to limit shooting on the part of irresponsible people; second, to provide funds for the protection and increase of non-game birds and all kinds of game, and to provide funds for the instruction of the public concerning the usefulness of birds.

The law should be State-wide with no exemptions. Even with such a law, rigidly enforced by well-paid game wardens, the game and non-game birds will continue to suffer unless the public is taught the value of birds to man. A

reduction in the number of guns in the hands of irresponsible people will result in a saving of human life as well as bird life.

On February 15, 1916, the three following questions were sent to the fifty observers who had replied to the first request for information in the seventeen counties having the resident hunting license law, viz: Barnwell, Beaufort, Calhoun, Charleston, Chester, Darlington, Dillon, Dorchester, Florence, Greenville, Hampton, Jasper, Laurens, Lexington, Marion, Oconee and Orangeburg:

1. What effect has the resident hunting license law which went into effect in your county on July 1, 1915, had on the protection of game and non-game birds, and in what way?

2. Has the law been well enforced?

3. Can you suggest any improvement in the present law so as to make it a more effective instrument for the protection of wild birds and other game?

Of the forty-two replies received, forty-one contained answers to question 1: thirty-five reported effects good; three, no effects; three, not informed.

As regards the beneficial effects: twenty-four reported reduction in number of hunters; ten, reduction in number of negro hunters; one, reduction in number of professional town hunters; one, prevention of shooting before season opened.

The three respondents in whose opinion the law has been of no effect wrote as follows: Mr. W. R. Hale, Greenville: "I think the law has had but little effect, practically none in protecting birds;" Mr. J. L. Wessinger, Lexington; "It did not have any effect because those who wanted to hunt bought licenses and hunted;" Mr. G. C. Cabell, Orangeburg: "I think the resident hunting license law a farce. It has no effect whatever in protecting the birds, but has the effect of prohibiting the poor white man and negro from hunting squirrels and rabbits.

Evidence of Good Effects

Mr. W. D. Brown, reports: "Good results by stopping negroes from carrying guns everywhere they go and pot-shooting game." Mr. Pat Wall, Beaufort, writes: "Has practically put the pothunter out of business." Mr. A. K. Smoke, Calhoun, says: "Remarkably good. It has practically stopped all hunting by negroes, and reduced it among the whites one-half." Mr. L. A. Beckman, Charleston, reports: "The county license has caused many negroes to stop shooting who formerly shot game at all seasons of the year." Mr. J. E. Wannamaker, Calhoun, writes: "By causing a marked decrease in the amount of hunting, affords a decided improvement in the protection of birds." Mr. J. C. Dye, Chester, reports: "Not more than half as much game has been killed as under the old law." Mr. S. D. Cross, Chester, says: "Has protected all kinds of birds. A good law. Very few hunters hunting this season." Mr. W. C. White, Chester, writes: "Has had a good effect on this county. Kept a good many people from hunting especially negroes." Mr. Karl Dargan, Darlington, reports: "Had a good effect as it stopped almost all colored people from hunting and reduced the white hunters to a large extent." Mr. E. G. Dreher, Lexington, writes: "The effect has been very good. Certainly we cannot notice any marked increase in numbers of birds yet, but I am sure we will if the law is allowed to stand and is enforced." Mr. L. A. Walker, Dorchester, believes: "Good. Prevented shooting before the season opened, and took a number of guns out of the field altogether."

Mr. M. S. Haynesworth, Florence, reports: "Where there was one gun shot this year, there were 1,000 last year." Mr. T. W. Brunson, Hampton, writes: "A very good effect in this county. To a great extent it has stopped the negro from carrying his gun with him always and killing everything he finds." Mr. L. B. Altman, Jasper, writes: "It has been some protection. Many people have not bought licenses who would have hunted otherwise. However the game birds are scarce."

Mr. Albert Teague, Laurens, reports; "This law has put a stop to the indiscriminate shooting of game." Mr. A. R. Taylor, who has observed the effects in Lexington, reports: "The very best effect. The decrease of hunters and increase of game birds is very noticeable." Mr. D. F. Efird, Lexington, reports the law most helpful. Mr. J. M. Johnson, Marion; writes: "It has reduced the number of hunters very materially." Mr. Henry L. Verner, Oconee, reports: "There is not nearly so much hunting now by the professional town hunter. The law is a good one." Mr. M. O. Dantzler, Orangeburg, writes: "Good effect. Marked decrease in negro rabbit and squirrel hunters." Mr. C. F. Dill, Greenville, reports: "There has been less hunting since this law went into effect than I had hoped for. It has stopped not only the negroes from running over the county shooting everything they could find that had feathers, but the no-account white man as well."

Enforcement of Hunting License Law

The thirty-eight replies to the question: "Has the law been well enforced," have been classified thus: Yes, 17; partly, 15; no, 4; do not know, 2. Mr. A. K. Smoke, Calhoun, writes: "Law well enforced. Our game warden would arrest the governor if he should be found violating the law." Mr. T. W. Brunson, Jr., Hampton, says: "I believe our game warden has put forth all his energy, but he has not had the support of a number of our citizens." Mr. A. R. Taylor, Lexington, reports: "Better enforced than I thought it would be, many hunters willingly pay license in order to have game protection." Mr. C. F. Dill, Greenville, writes: "Have talked with many farmers over the county and all are delighted with the hunting license law as well as the dog tax law. All hope they will be strongly enforced. The warden here is making quite a number of arrests for hunting without license and hunting out of season, which is having a good effect, but he cannot get all over the county as he should."

Suggestions for Improving Hunting License Law

The suggestions for improving the present resident hunting license law so as to make it a more efficient instrument for the protection of birds and other game have been classified thus, with the number reporting each: Make license higher, 6; enforce present law, 5; make law State-wide with no exemptions, 5; raise license to \$25, 1; raise license to \$10, 1; enforce by rural policemen, 1; have local warden give entire time to the enforcement of the law, 1; require higher license from those who use pump and automatic guns, 1; deputy in every township.

Mr. W. T. Hankinson, Jr., Barnwell, writes: "Tax every gun \$5 per year, and every bird dog \$5 per year. I have talked with a great many people and I think it would meet with State-wide approval." Mr. Pat Wall, Beaufort, reports: "Raise the cost of license to \$25 per year. We need our friends, the birds, and the license should be raised to a prohibitive price, or make it a chain gang offense to kill any bird at any season." Mr. A. K. Smoke, Calhoun is of the opinion that: "It might be advisable to amend the law and require a license even to hunt by permission on the land of another." Mr. L. A. Beckman, Charleston, suggests: "A gun tax of \$1 for every man who has a gun, whether on his own land or the land of another. The present law allows a man to hunt on his own land without a license, and also allows him to give his friends permission to hunt on his land without a license. You would be surprised how many take advantage of this clause to evade the law."

Judge H. A. M. Smith, Charleston, suggests: "It should be made more general to apply to all counties and not allow the license in one county to nullify the effects in an adjoining county." Mr. J. C. Dye, Chester, suggests: "Make this law State-wide by all means, and counties that have it will come near enforcing it." Mr. E. G. Dreher Lexington, suggests: "Would have local warden give entire time to enforcement." Mr. B. D. Dargan, Florence, reports: "Do away with the written permit clause and

require every hunter to have a license." Mr. A. L. Youmans, Hampton, suggests: "Have the license fixed so that no one can hunt on any lands except his own without a license, not even on invitation." Mr. A. R. Taylor, Lexington, writes: "I would suggest a higher license for those using automatic and repeating guns." Mr. J. L. Wesinger, writes: "I would suggest that the license be raised to \$8 or \$10."

A careful study of the reports from the seventeen counties having the hunters' license law leads to the conclusion that conditions are already greatly improved thru a reduction in the number of hunters, and that as soon as the law is made State-wide with no exemptions, and its enforcement placed in the hands of a sufficient number of competent well paid wardens our fast vanishing valuable wild bird life will have a much better chance to escape complete extermination.

It is most encouraging to bird protectionists to record that at the last session of the legislature, the benefits of this law were extended to the following counties: Abbeville, Bamberg, Edgefield, Fairfield, Horry, Kershaw, Lee, Anderson, Newberry, Pickens, Richland, Saluda, Sumter, Spartanburg, Union. This leaves only twelve counties in the State without the protection afforded birds by this measure.

The Game Warden

The most important needs suggested by the 27 observers who expressed themselves concerning the game warden force, are: 1, paid Wardens; 2, wardens appointed by reason of their fitness; 3, an active warden in every locality or township.

That there are so many complaints of the non-enforcement of the game laws is not the fault of the State game department, but is rather the result of the lack of funds for paying sufficient salaries to an adequate number of wardens, and to the present system of appointing the wardens. That observers should suggest, "Wardens who

will attend to their business,"—Hankinson, Aiken; "Wardens not afraid to do their duty,"—Seigler, Aiken; "Strict enforcement of law by wardens in every locality,"—Efird, Lexington; "Enforce laws with good men who cannot be bought with a vote,"—Cross, Chester, is no criticism of the personnel of the warden force, but simply and strongly focuses the attention upon the defects mentioned above. Several reports show that the game laws are better enforced today than ever before, due to the fact that a little money has been spent for this purpose.

Mr. A. J. Cox, Williamsburg, suggests: "Pay wardens so you can get the right sort of men who can give all their time to the enforcement of the law." Mr. Alex R. Taylor, Lexington, suggests: "Funds from Statewide hunters' license law to be used exclusively to pay sufficient salaries to wardens." Mr. C. F. Dill, Greenville, writes: "There should be a deputy in every township." Capt. S. G. Stoney, Charleston, thinks: "Our game wardens are not sufficiently compensated and therefore cannot carry out the game laws of the State as they should be."

How enforce laws unless there is a deputy warden on hand whose sole business it is to do so, and who is well paid for it? The enforcement of the game laws besides being a man's job, is a thankless, graceless, enemy-making task and it is useless to expect unpaid persons to do the work. A game warden who enforces the law is usually cordially hated and often he is fortunate to escape with his life. Therefore in order to have active, conscientious wardens good salaries must be paid.

No part of the funds from the sale of licenses and the collection of fines should be diverted to any other purpose until the protection and increase of game and other birds is adequately provided for.

As regards the selection of game wardens, Mr. L. A. Beckman, Charleston, suggests: "Have honest men appointed game wardens, taking into consideration their fitness and leave politics out of consideration so that laws will be enforced." Mr. Edward Howe Forbush, State Ornithologist of Massachusetts, who has given many years

of thought to the subject, says: "So far as game wardens are concerned, the only way to keep them out of politics is to have the whole service from the Commissioner down put under Civil Service Rules."

What Mr. Forbush says in regard to the appointment of game wardens in his State will apply equally to South Carolina: "The system of appointing game commissioners and wardens is wrong. Under our present system, a man may never hope to become a game commissioner, unless he is an astute capable, politician, or has powerful political friends. The appointee may be a good game commissioner, (many of them are,) but he must be a keen politician first, last and all the time, to secure and retain the place. Having obtained it, he must be constantly on guard, or he may lose it thru some political change. The effect which such a system produces on the appointment of game wardens is well known."

It is interesting to note that five or six States in the Union already require by law that the selection and appointment of the game wardens shall be conducted on the civil service basis.

Destruction of Quail by Game Wardens

Mr. C. F. Dill, Greenville, a sportsman of the highest ideals has submitted under date of February 13, 1916, as a part of his report concerning ways in which the resident hunting license law could be made a more effective instrument for the protection of birds, the following letter which should command the earnest attention of all who are interested in the problem of bird protection in general and in game wardens in particular:

"I have been out shooting twice this winter in this county, and once in.....county and once in.....county, and have found that birds are quite plentiful, but I think the game warden's office needs jacking up badly for not looking after their game wardens in two of these counties, as I see no use to protect game especially for the use of game wardens to kill. The warden in.....

county, I am informed, or the man who was warden there, hunts every day and kills not hundreds, but thousands of birds. They tell me that he commences to kill Quail in October and never stops Sunday or any other day rain or



shine, and the game warden in this county is about as bad.

“He hunts every day in the week except Sunday, from the time the season opens until it closes. He shoots an automatic gun and he does not let up on a covey till he

kills every one he can find, and he knows where every covey is in the county, as he makes it his business to know where they are. He told me that he killed and gave to one man last season 400 Quail. I know he killed eighty-four in three days not to say anything of the number he wounded, that afterwards died, and a good number that he could not find. At another time he killed sixty-two on one trip which he brought home, which he says he gave away. The sportsmen up here have estimated that he has killed more Quail this season than all the sportsmen combined have killed. He is a good deputy, I think, and I have recommended him, but he is mad on the subject of how many Quail he can kill in a season. I am informed by Mr. that the warden in county is doing the same thing as the one in this county.

"I will venture to say that if the matter could be looked into, it would be found that there are wardens in most of the counties who are killing Quail the same as those mentioned in my letter. Sportsmen think that the man who is employed to protect the Quail ought not to devote his entire time to killing Quail as some of the wardens do. Some believe that wardens should not be allowed to kill Quail at all on account of the position they hold. Others say they (wardens) ought not to be allowed to shoot oftener than one day in each week.

"What is needed is a law with a heavy penalty against this continual hunting by any one man. The law should prohibit any one man from hunting any oftener than two days in any one week. There ought also, to be a law passed by the legislature making it a misdemeanor and a heavy penalty attached for hunting Quail or rabbits or anything except ducks and other waterfowl with an automatic or pump gun, but especially the automatic.

"I know men who can wipe out whole covies with the automatic guns and the game warden in this county is one of them. He is a dead shot and a hard hunter. If anything can be done to prohibit the use of automatic guns and stop men from hunting oftener than two days in a week, and shorten the hunting season from December 1

to February 15, we might hope to have game plentiful."

Miscellaneous Suggestions

As regards trapping, Mr. E. D. Dargan, Darlington, writes: "There should be a law to prohibit trapping of birds while snow is on the ground." Mr. A. W. Brabham, Bamberg, suggests: "The steel trap in the hands of the trapper is the main cause of the decrease of our wild animals and this fearfully cruel practice should be stopped by law." Mr. B. D. Efrid, Lexington, writes: "Make shorter season for game and fur bearing animals, also prohibit the setting of steel traps."

That there is need in the opinion of some observers of limiting the number of days in a week on which a man may hunt, is shown by a reference to Mr. Dill's letter on another page, and to the report of Mr. T. W. Brunson, Jr. Hampton, who writes: "We have a few men in our county who hunt and fish all the time. They stay within the bounds of the law, I believe, but still they do a lot of harm to our birds as they go every day and get the limit. If we had some way to regulate this, I think it would do good. I do not think that any amount of money that our good men in the State will put out to help protect our birds will be lost. We need every bird to help the farmer. Many farmers have realized this and have all their lands posted."

The efficacy of a law limiting the number of birds which may be taken in a day depends largely upon the sense of honor of the individual hunter. Conditions prove that such a law is not observed without an enlightened sentiment behind it, and it is supposed by some observers to be almost impossible to enforce it. Dr. Charles W. Kollock, Charleston, suggests: "Limit the number of birds to each gun, this to include ducks." In view of the fact that the game birds are rapidly disappearing the bag limit on all species in this State is too high.

In order to have birds it is neither desirable nor necessary to restore forests to their primitive conditions even if

possible. In the general settling up of the country special attention should and must be paid to the protection and encouragement of birds, by leaving trees and shrubs which will provide food, shelter and nesting sites. There are spots on every lot and farm where the wild food plants of birds can be made to grow. Fencerows and hedges should be allowed to remain uncleared.

There are sections of swamp land and some of the coast islands, owned by the State, which will never be suitable for agricultural purposes. By legislative enactment certain areas should be set aside as reserves upon which birds might live and breed in safety.

One observer suggests doing away with modern fire-arms. Some of the most destructive guns should certainly be prohibited by law, and until that time comes, no man who regards the protection of game as important should ever use one. In the old days skill in bagging the game was more in the man than in the gun. Some of the weapons in use today, in the certainty of their slaughterous effects, leave no room for the element of sport.

As regards the suggestion that the game and fish laws be made intelligible, there is no doubt that complications arising from the lack of stability and uniformity of these laws, and the differences in the dates of the "open season," result in a lack of understanding and respect, and encourage violations. Many persons report that Quail are killed in the Dove season before the Quail season opens.

Local legislation is usually at the instigation of individuals who are working for their own private, selfish interests at the expense of the game and the public. The keynote of modern game legislation is uniformity. There should be no "cloudy laws". State laws on migratory birds should be made by legislative enactment to harmonize with federal regulations. The seasons also should be made to agree.

The blood test to be applied to any bill introduced into the State legislature affecting bird life, is this: Is it for the protection of the birds? If a plain answer cannot be given in the affirmative, the public should demand the

2 Man in his various activities, including the importation of natural enemies, is the chief agency of this decrease.

3 Native natural enemies, including the elements, are only secondary causes of decrease.

4. With the exception of the native natural enemies, all other destructive enemies are rapidly on the increase.

speedy and overwhelming defeat of any such legislation.

A statute prohibiting Sunday hunting should be incorporated in the State game laws so as to make it the especial duty of the game wardens to look to its enforcement. Capt. Robert Magwood, Charleston, suggests: "Stop all Sunday hunting, as Sunday hunters seem to hunt almost every Sunday and therefore hunt more than other hunters. The latter do not get out as a rule more than once or twice a month." The same respondent, suggests also: "Make non-resident license very high. When they are here they hunt more than residents."

Any system of game bird conservation, either public or private, provides conditions under which the non-game birds also thrive. Mr. J. A. Harvey, Berkeley, writes: "From my observation the game preserves do more for the protection of game generally than any other agency in operation." All friends of the protection of non-game birds should also be game bird protectionists. The preservation of the former is inextricably bound up with that of the latter.

One way in which to conserve game birds directly and increase the numbers of non-game birds is by the establishment of bird reservations. Those under the National and State governments and the National Association of Audubon Societies have been most successful in fulfilling the purpose for which they were established.

Summary and Conclusions

Conclusive evidence seems to be given that:

1 The birds of the State are rapidly decreasing, following the general decrease all over the country.

2 Man in his various activities, including the importation of natural enemies, including the elements, are only secondary causes of decrease.

4 With the exception of the native natural enemies, all other destructive enemies are rapidly on the decrease.

5 The destruction is greatest among those species which are most hunted for food and sport.

6 Birds are openly molested during the nesting season by nest robbers.

7 In many localities important species are becoming very rare and others are nearing extinction.

8 The universal gun in the hands of men and boys of both races and all classes cause untold destruction.

9 The vast injury done by all kinds of dogs roaming at large during the birds' nesting season, presents a problem which demands immediate and forceful attention.

10 A condition of woful ignorance as to the usefulness of birds, game laws, etc., exists among the masses of the people, and this must be corrected.

Measures Imperatively Demanded by Conditions

1 Every State lawmaker should recognize the fact that the protection of wild life is one of the imperative duties of every good citizen.

2 A new code of wild life laws should at once be framed to afford the utmost protection to wild life, and encouragement to all those who would preserve and increase it.

3 As the non-enforcement of the law is due largely to a lack of an adequate number of well paid wardens, a State-wide resident hunting license law should at once be enacted partly to furnish funds for real wild life protection.

4 Funds accruing from this source should not be diverted to other sources until sufficient protection has been given our valuable wild life.

5 To have efficient wardens who can devote themselves unselfishly to the enforcement of the law, civil service rules should govern in their selection and appointment, and the protection of the wild life of the State should be removed entirely from the domain of politics.

6 As dogs are one of the worst enemies of ground nesting birds, there should be a State-wide, high dog tax law rigidly enforced and all dogs should be confined during summer months.

7 Stray cats should be killed, valuable cats should be licensed and all others destroyed.

8 There should be a close season for a term of years on those species of game birds which are rapidly disappearing and a short uniform open season on all others.

9 A campaign of education conducted by the State is now imperative, and bird study should be compulsory in the schools.

**List of Names of Those Who Filled Out Blank Forms for
Information Which Forms the Basis of this Bulletin**

Abbeville—R. E. Hill, Orville Calhoun, W. C. Shaw.
Aiken—W. M. DuBose, Maj. Harry Hammond, Asheton Head, Cecil Seigler, John G. Chafee.

Anderson—H. C. Summers, B. M. Aull, M. L. Bonham, A. N. Richardson, Col. J. C. Stribling.

Bamberg—George A. Jennings, W. B. Chitty, W. H. Ritter, W. A. Klauber, G. Frank Bamberg, A. W. Brabham.

Barnwell—Idis Brabham, W. T. Hankinson, Jr., W. H. Duncan.

Beaufort—Dr. W. R. Eve, Patrick Wall, W. D. Brown, Neils Christensen, H. M. Stuart.

Berkeley—J. E. Singletary, J. A. Harvey, John S. Sanders, E. L. Wells.

Calhoun—J. E. Wannamaker, A. K. Smoke, D. H. Trezevant, L. B. Bates, J. S. Wannamaker.

Charleston—Judge H. A. M. Smith, T. J. Simons, L. A. Beckman, F. M. Weston, Jr., Capt. Robert Magwood, Dr. W. C. Kollock, Capt. S. G. Stoney.

Cherokee—C. W. Whisonant, J. W. Humphries, F. McCluney.

Chester—S. D. Cross, John C. Dye, W. C. White.

Chesterfield—G. A. Malloy, G. W. Duvall.

Clarendon—Charlton Durant, H. C. Cousar, E. Von S. Dingie.

Colleton—Cleveland Sanders, T. D. Ravenel, C. W. Drawdy.

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Spartanburg—Paul V. Moore, West Harris, Furman Ezell.

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Union—Macbeth Young, J. M. Whitehead, J. L. Walker.

Williamsburg—E. C. Eppes, A. J. Cox, J. E. Davis, C. W. Boyken.

York—A. A. McKeown, John H. Steele, J. F. Reed.

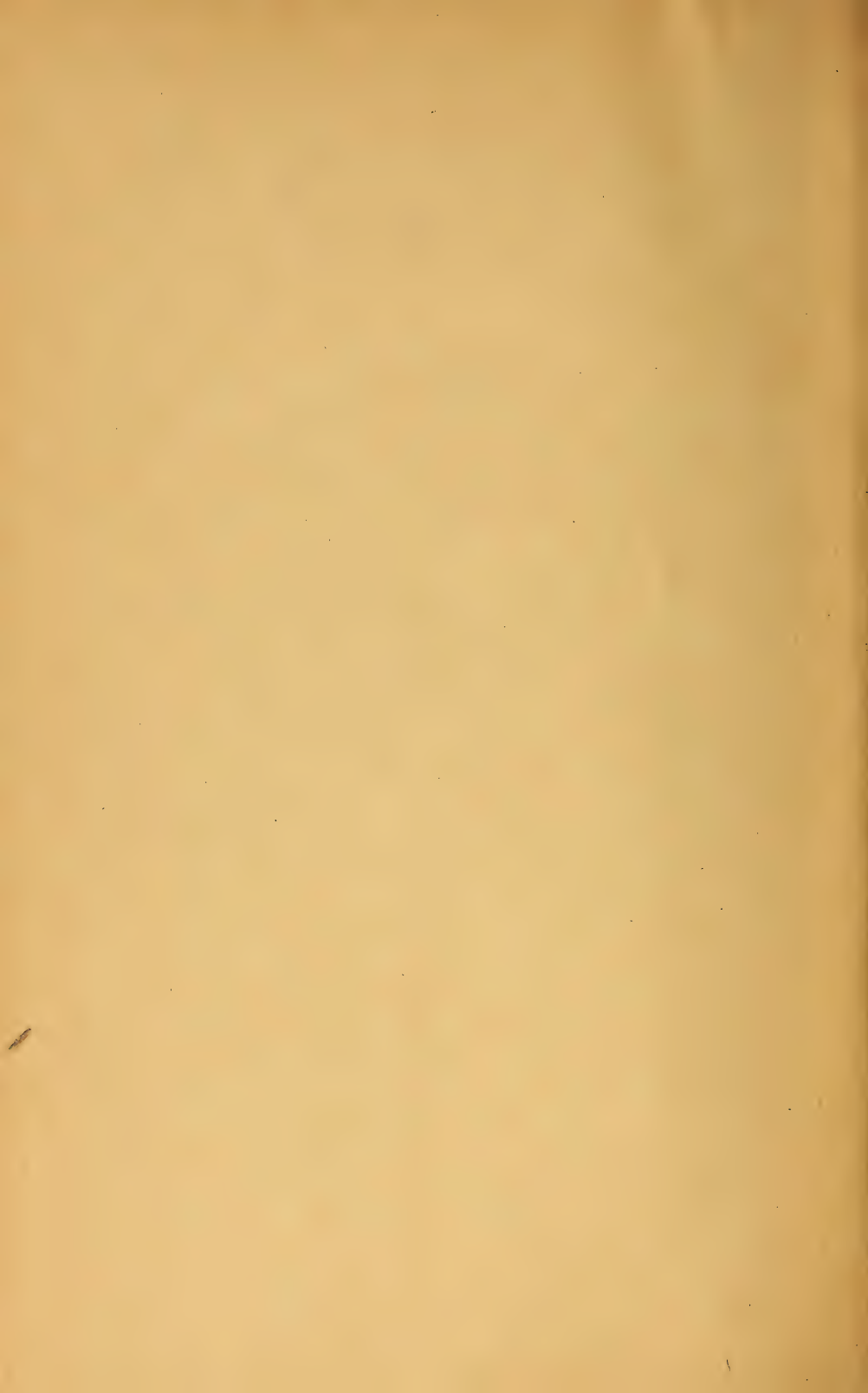


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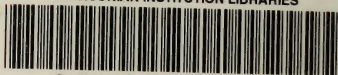
ERRATA

Page 12,	line 29,	for "J. P. Dill"	read "C. F. Dill."
" 20,	" 24,	" "specie"	" "species."
" 21,	" 27,	" "Hornady"	" "Hornaday."
" "	" 36,	" "	" "
" 25,	" 2,	" "case"	" "cause."
" 30,	" 17,	" "Hornady"	" "Hornaday."
" 32,	" 26,	" "tripple"	" "triple."
" 33,	" 28,	" after "they"	insert "been."
" 34,	" 8,	" "Orinthologist"	read "Ornithologist."
" 41,	" 27,	" "Canty"	" "Cantey."
" 42,	" 1,	" at end of line	insert "respected."
" "	" 33,	" "or"	" "of."
" 44,	" 22,	" "compiled"	" "complied."
" 46,	" 33,	" "wardens"	" "warden."
" 47,	" 18,	" "audobon"	" "Audubon."
" "	" 17,	" "audubon"	" "
" "	" 22,	" "	" "
" 48,	" 37,	" "none"	" "non."
" 48,	" 31,	" "in"	" "of."
" 53,	" 13,	" "gun-totters"	read "gun-toters."
" 59,	" 1,	" "Aiken"	" "Barnwell."
" "	" 39,	" "Orinthologist"	read "Ornithologist."
" 62,	" 13,	" "Qual"	" "Quail."
" 64,	" 32,	" "cloudy"	" "county."
" 66,	" 6,	" "cause"	" "causes."
" 67,	" 35,	" "Dingie,"	" "Dingle."

The writer is not responsible for these errors.



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